FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: ROBERT F. KENNEDY ASSASSINATION

LA FILE NUMBER: 56-156

SUB FILE H VOLUME 5

FEDERAL BUREAU OF INVESTIGATION

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249 (REV. 4-13-48)

U. S. Department of Justice

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FEDERAL BUREAU

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DO NOT DESTROY - PENDING LITIGATION

See also Nos. 210 129, 198, 167, 396

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217
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167

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Newspaper clipping dated 1-18-81

SS-159H

U.S. DOJ

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Judge Orders Retesting of Gun Used by Sirhan

BY WILLIAM FARR
Times Staff Writer

Retesting Sirhan Sirhan's gun and reexamination of bullet evidence in his 1968 trial were ordered Thursday in an effort to resolve doubts about the assassination of Robert F. Kennedy.

Robert F. Wenke, presiding judge of the Superior Court, issued the order at a hearing that required less than five minutes to complete.

The order was granted on petitions filed by CBS and Paul Schrade, one of the five persons wounded in the pantry of the Ambassador the night Kennedy was mortally wounded.

After the brief hearing, Schrade told reporters:

"It's a great victory because it opens up the possibility of finding out the truth in this case. There are very serious errors and gaps in the original testing by the Los Angeles police crime lab.

"Some of the evidence is missing and we've got to find out the answers to these questions if we are ever going to find out if there was another gunman in the room that night."

A key question in the controversy is whether the bullet that struck Kennedy in the neck was fired from the same gun as the bullet that hit bystander William Weisel.

A special committee of the American Academy of Forensic Sciences recently reported that there were "distinct differences" between the two bullets and recommended reexamination of the original evidence.

Wenke made his ruling after asking a battery of 13 attorneys, representing all sides in the case, whether any of them opposed retesting. No opposition was voiced.

Attorney Barry M. Gold, who appeared on Sirhan's behalf, said he thought the retesting was "in Sirhan's best interest."

b7c

(Indicate page, name of newspaper, city and state.)

I-1 LOS ANGELES TIMES
LOS ANGELES, CA

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Beverly Hills attorney Thomas Kranz, who just a few hours earlier had been appointed by Acting Dist. Atty. John Howard to serve as special counsel on the Sirhan matter, joined in the retesting motion made by CBS and Schrade.

But outside the courtroom, Kranz, who once worked as an advance man in Kennedy's political campaign, stressed that Wenke's ruling did not constitute reopening of the case.

"It is at this stage only the reexamining the ballistics, gun and bullet evidence that could perhaps shed light on factual differences," he said.

After ordering the retesting, Wenke instructed the attorneys to work out an agreement between themselves prior to a Sept. 11 hearing.

This agreement is to deal with procedures for the testing and the appointment of experts to conduct the reexamination.

Dep. County Counsel Robert Lynch asked Wenke to appoint an independent panel of experts to supervise the retesting but Wenke said he would reserve such action until after it was determined whether the lawyers in the case could come to a mutual agreement on selection of experts and procedures.

Informed of Wenke's action, Howard, one of the prosecutors in Sirhan's trial, released the following statement:

"We are pleased by the result of the hearing today. It will hopefully result in a proper legal approach to this most sensitive issue of reexamining the ballistics evidence in the Sirhan case . . . our continuing goal is to restore public confidence in the judicial procedures surrounding the Sirhan case and establish the truth."

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Supervisors Back Sirhan Case Probe

Vote to Support Suit for New Look at Gun Evidence in Sen. Kennedy Slaying

BY SID BERNSTEIN
Times Staff Writer

The Los Angeles County Board of Supervisors voted unanimously Tuesday to intervene in support of a lawsuit seeking a reexamination of the ballistics evidence presented at the trial of Sirhan Sirhan for the assassination of Sen.

(Indicate page, name of newspaper, city and state.)

II-1 LOS ANGELES TIME
LOS ANGELES, CA

Date: 8-13-75
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AUG 13 1975
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ORIGINAL TO THE BUREA

Robert F. Kennedy.

The supervisors ordered County Counsel John Larson to join Paul Schrade in his petition to Superior Court for the right to examine the gun, ballistics records and other forensic evidence.

Schrade, a former auto union executive, was wounded at the time of the assassination June 5, 1968, at the Ambassador Hotel.

Schrade's petition contended that only by testing Sirhan's gun and the bullets entered into evidence will it ever be possible to determine whether only one gun or more than one gun was fired when Kennedy was shot down, and Schrade and four other persons were wounded.

Schrade is supported in his contention, Supervisor Ed Edelman pointed out, by a special committee of the American Academy of Forensic Sciences. The forensic experts asked that the case be reopened to look into what they believe are apparent discrepancies in the ballistics evidence.

The board also requested acting Dist. Atty. John Howard to intervene in the Schrade case or seek the appointment by the state Supreme Court of a special master to reopen the controversial assassination case.

Howard said he intended to take a proper posture in the Schrade suit and on a similar petition filed Tuesday by the Columbia Broadcasting System.

He emphasized, however, that his main concern was obtaining a proper judicial forum for examining the complex and controversial assassination case. That route, he told the board, appears to lie in a suit similar to Schrade's or by a high court appointing a special master for a more thorough reopening of the case.

Supervisor Baxter Ward, who introduced the motion for support of Schrade, charged that Howard, as prosecutor in the Sirhan case, was more interested in protecting the prosecution record than in pursuing a reopening of the assassination.

Howard denied either conflict of interest or a reluctance to enter the case. He said he and the late Dist. Atty. Joseph Busch were considering methods of taking the Kennedy assassination to court just before Busch's death.

"I would welcome a hearing in the courts," Howard said, "but with the proper rules of evidence."

By instructing Larson to support Schrade's court petition, the board, in effect, is asking the court for a refiring of the Sirhan pistol, a microscopic and spectographic analysis of the bullet fragments and an examination of rephotographed ballistic exhibits by a forensic expert.

This reexamination, Ward contended, is needed to answer a growing public doubt surrounding the Kennedy assassination.

Board Chairman James A. Hayes urged caution in reopening the case, but he called for the intervention by county government.

"I think this whole subject has been kicked around for several years now," Hayes said. "If it could be openly reassessed in some proper form, it would be in the best interest of the public."

FD-350 (Rev. 7-10-62)

(Mount Clipping in Space Below)

Evidence Hearing Asked for Sirhan

The California Supreme Court has been asked to order a new-evidence hearing or the freeing of Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy.

The petition, filed here yesterday by Beverly Hills attorney Godfrey Isaac, also seeks naming of a special master to hear new evidence.

The petition is based on a "second gun-second gunman" theory of the slaying as advanced by author-journalist Theodore Charach.

The petition further charges that evidence was intentionally suppressed by the district attorney's office during Sirhan's trial for the slaying of Kennedy in the Ambassador here in 1968.

Charach's investigation of the incident purportedly turned up a part-time security guard who witnesses—not called at the trial — stated was firing his weapon at the time Kennedy was shot in the hotel pantry.

Also questioned are the disputed ballistic studies of Los Angeles police criminalist De Wayne Wolfer, which prompted a probe of possible evidence tampering two years ago.

[redacted] b7c

(Indicate page, name of newspaper, city and state.)

A-3 HERALD EXAMINER
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ORIGINAL TO THE BUREA

FD-350 (Rev. 7-15-63)

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Convicted assassin Sirhan B. Sirhan's attorney said he will ask the state Supreme Court Monday to reopen the investigation into the death of Sen. Robert F. Kennedy in June, 1968. Attorney Godfrey Isaac, claiming he has new evidence, said he talked with Sirhan at San Quentin last week and described Sirhan as excited and happy at the prospect of a new probe. The request reportedly is based on the claims of some ballistics experts who contend that a second gun might have been used in the slaying of Kennedy.

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I-2 LOS ANGELES TIMES
LOS ANGELES, CA

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FD-340 (Rev. 7-16-63)

(Mount Clipping in Space Below)

High Court Asked to Reopen Sirhan Probe

Lawyer Says False Testimony Led to Conviction for Killing Robert Kennedy

BY WILLIAM FARR
Times

The state Supreme Court was asked Monday to reopen investigation into the assassination of Sen. Robert F. Kennedy in a petition filed by the attorney for Sirhan Bishara Sirhan, convicted of the slaying almost six years ago.

Beverly Hills lawyer Godfrey Isaac maintained in the petition that Sirhan was wrongly convicted by false ballistic testimony given by police criminalist DeWayne Wolfer.

The petition contains a "second gun" theory and seeks to have the state's highest court order the firing of Sirhan's 22-caliber pistol in an effort to clear up questions that have arisen about the ballistics.

Informed that the petition had been filed with the Supreme Court in Los Angeles, Dist. Atty. Joseph P. Busch said:

"Now the issue is before the proper forum instead of being a topic of a TV talk show or some politician's public hearing. If the court decides that there is good cause to reopen the case and test the weapon, I will fully cooperate."

Busch previously had rejected suggestions by several persons, including County Supervisor Baxter Ward and former New York Congressman Allard K. Lowenstein, that the district attorney's office volunteer to test the Sirhan weapon.

Busch and Isaac agreed that state Supreme Court justices will give the matter serious consideration.

"I can't predict they will grant a hearing but I'm satisfied they will do what is right," Isaac said, "because this is one of the country's finest appellate courts."

[redacted] b7c

(Indicate page, name of newspaper, city and state.)

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ORIGINAL TO THE BUREAU

Isaac said he discussed the new legal action with Sirhan last Friday at San Quentin Prison. Describing his meeting with Sirhan, Isaac said:

"He was excited and happy about the petition and was hopeful that a hearing will be granted to definitely determine whether or not he was the one who shot and killed Sen. Kennedy."

The defense lawyer added, "If Sirhan had some recollection of the events, it would be helpful, but he has no such recollection."

Isaac filed a petition for writ of habeas corpus seeking Sirhan's release and a companion petition for error coram vogis, which is a request for the high court to consider evidence beyond the trial record.

Both criminologist Wolfer and the district attorney's office were criticized in the 55-page brief filed by Isaac.

Isaac, in summarizing grounds for the petitions, stated:

"Evidence that tended to show that Sen. Robert F. Kennedy was not killed by the bullet from Sirhan's gun was deliberately, intentionally and willingly suppressed by the prosecution and their agents."

It is asserted in the petition that outside ballistic experts have determined that the bullet taken from the senator's body substantially differs from one removed from William Weisel, an ABC-TV newsman, who was also shot in a pantry of the Ambassador.

The petition maintains that trial evidence which led to Sirhan's April 17, 1969, conviction for first-degree murder showed that there were five grooves on the bullet taken from Kennedy but that bullets purchased by Sirhan had six grooves.

Isaac cited affidavits by William W. Harper, a Pasadena criminalist, and Herbert L. MacDonnell, director of the Laboratory of Forensic Science in Corning, N.Y., supporting this contention.

Much of the evidence contained in the exhibits filed with the petition was developed through the efforts of freelance investigative reporter Theodore Sharach, who along with photojournalist Gerard Alcan has produced a movie entitled "The Second Gun."

The petition specifically mentioned that there was cause to suspect that

security guard Thane Eugene Cesar may have fired his weapon and hit the senator. Cesar, who could not be reached for comment, was accompanying the senator through the hotel pantry area when the June 4, 1968, attack occurred.

Wolfer was the target of a separate legal action filed Monday in the state Court of Appeal here. Former Dep. Dist. Atty. Jack Kirschke's attorneys, Roger Hanson and Griffith Thomas, charged that Kirschke was convicted of killing his wife and her lover in 1967 through the perjured testimony of Wolfer.

FD-350 (Rev. 7-18-62)

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2 Issues

Argued in RFK Death

WASHINGTON (AP) — The Supreme Court today declined to review the conviction of Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy.

Sirhan's lawyers claimed in an appeal that police had searched his mother's home unconstitutionally after the 1968 shooting and that there was new evidence he did not fire the fatal bullet.

The court rejected the appeal 7-0 without comment. Sirhan is serving a life sentence. He initially was condemned to execution but was resentenced after the California Supreme Court outlawed capital punishment.

At San Quentin Prison, spokesman Lee DeBord said Sirhan had "no reaction at all" when told of the high court's decision.

"He has not been one to react to much of anything," DeBord said. "When it comes to legal moves like this he's generally very placid."

Kennedy was slain June 5, 1968, at the Hotel Ambassador in Los Angeles after winning the state's Democratic presidential primary.

Following the shooting, police searched Sirhan's bedroom in his mother's home in Pasadena without a warrant. They recovered notebooks containing an entry, "RFK Must Die," and used them at the 1969 trial.

In response to the appeal, California state officials said the state Supreme Court had ruled correctly that emergency circumstances justified the search without a warrant.

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A-1 Herald Examiner
Los Angeles, Calif.

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Author:
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FEB 21 1973
FBI-LOS ANGELES
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"Police were legitimately concerned with ascertaining immediately whether co-conspirators in the shooting of Sen. Kennedy were at large and, if so, whether the attack was just the first one of a series of planned assassinations of presidential candidates or other high government officials," the state said.

Sirhan's lawyers, in trying to win a new trial for the 28-year-old Sirhan, claimed also that a team of psychiatrists, physicians, physicists and others had uncovered "significant physical evidence" that Sirhan did not fire the fatal bullet.

The state replied that "unfortunately this new evidence was not presented to the California Supreme Court and is not in the record on appeal. In review of a judgment of a state court, this court is bound by the record on which that judgment is based."

The high court said simply that it was denying Sirhan's petition for a hearing.

In other actions today, the court:

—Agreed to review a ruling that it is unconstitutional to deny food stamps to households with dependent college students.

—Rejected consumer advocate Ralph Nader's bid to reopen the ITT-Hartford Insurance Co., antitrust case that ance Co., antitrust case that raised a furore over alleged political influence last year.

—Turned down an appeal by the Memphis, Tenn., school board for review of a desegregation plan involving the busing of some 14,000 students.

—Declined to review a lower court decision which curbed the power of politicians to fire state employes because of their politics.

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Sirhan Skips Parole Board Appearance

Would Be Waste of Time, Prison Authorities Told

Exclusive to The Times from a Staff Writer

SAN FRANCISCO — Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy, declined to make his scheduled appearance before a parole hearing panel Tuesday at San Quentin.

A prison spokesman said Sirhan had told authorities that an appearance would be a "waste of time" because he would not be eligible for parole until May, 1976.

Meanwhile, the two-member panel referred to the full eight-member adult authority the case of Robert Wesley Wells, 63. Sentenced to die for assault on a prison guard, Wells was the subject of a celebrated clemency campaign in the 1950s.

His sentence was reduced by Gov. Goodwin J. Knight to life imprisonment without parole. The authority could recommend that his sentence be reduced to simply life imprisonment, making him eventually eligible for parole. But only Gov. Reagan is empowered to order the sentence reduced.

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Los Angeles, Calif.

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FD-350 (Rev. 7-18-63)

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Parole Hearing for Sirhan Scheduled

SACRAMENTO (AP) — A parole hearing for Sirhan B. Sirhan, the man convicted of assassinating Sen. Robert F. Kennedy, is scheduled for next week at San Quentin Prison, a California Adult Authority official said Thursday.

Sirhan had been sentenced to die in the gas chamber, but the California Supreme Court decision last Feb. 18 outlawing capital punishment in the state reduced that to life imprisonment — meaning a minimum of seven years.

Joseph A. Spangler, administrative officer for the nine-member Adult Authority board, said Sirhan's parole hearing is one of about 100 hearings—including three other former Death Row inmates—that will be conducted at the prison beginning next Monday.

The 28-year-old Sirhan has been at Quentin since May, 1969, after being convicted of shooting Kennedy to death in the Ambassador Hotel in Los Angeles in June, 1968.

(Indicate page, name of newspaper, city and state.)

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Los Angeles, Calif.

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Spangler said the other former Death Row inmates who will have parole hearings next week are Nathan Elmont Eli, convicted of stabbing a 24-year-old woman to death in San Diego County; Dorman Fred Talbot Jr., sentenced to die for the stabbing-beating death of a Ventura County robbery victim; and Willie Curtis Miller, condemned for murdering an 8-year-old girl in Sacramento.

Since the Supreme Court decision, parole hearings have been held for four other ex-Death Row occupants, Spangler said. In all cases the parole board—the same as the Adult Authority board—refused to grant parole, he added.

Similar hearings are scheduled for the next three months for nine other former condemned men, he said.

Such hearings are in line with a board policy adopted last March that parole sessions for state convicts be conducted within a year from confinement—when practical.

The state court decision lifted the death penalty from a total of 105 men and five women convicted of murdering a total of 165 people. Besides Sirhan, the list includes Charles Manson and four members of his "family" convicted of killing actress Sharon Tate and six other persons.

FD-350 (Rev. 7-18-61)

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Say Sirhan Didn't Fire Fatal Shot

WASHINGTON (UPI) —Lawyers for Sirhan B. Sirhan told the Supreme Court Wednesday "significant physical evidence" showed that Sirhan did not fire the bullet which killed Sen. Robert F. Kennedy.

The lawyers said they are heading up "a team of psychiatrists, criminalists, forensic physicians, and engineering physicists, which have uncovered significant physical evidence which points to (Sirhan's) non-firing of the fatal bullet."

The lawyers, Roger S. Hanson and George H. Milman of Beverly Hills, said they recognized the fact that their comments were outside the record in the case but said they were proffered "in partial explanation of an otherwise unchallenged contention (Sirhan) was the sole assassin of the senator."

An appeal was filed on behalf of Sirhan asking review of a California Supreme Court judgment of July 26 affirming his murder conviction.

Kennedy was assassinated on June 5, 1968, following a victory in the Democratic presidential primary in California. The shooting took place in a kitchen area of the Hotel Ambassador in Los Angeles.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
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The appeal conceded that Sirhan "was captured at the scene wielding a still smoking gun." But it said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyers said they are preparing to place their new evidence before the California Supreme Court.

The lawyers accused the California Supreme Court of inventing a way to get around U.S. Supreme Court standards in order to uphold the conviction.

Sirhan originally was sentenced to death in the gas chamber, but after the California Supreme Court abolished capital punishment in that state the sentence was modified to life. State authorities have said he would become eligible to be considered for parole after seven years.

FD-350 (Rev. 7-16-63)

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(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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FD-350 (Rev. 7-10-63)

(Mount Clipping in Space Below)

Sirhan Files Plea in U.S. Supreme Court

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

Lawyers for the Arab immigrant said a team of psychiatrists, physicians, physicists and others have uncovered "significant physical evidence" that Sirhan did not fire the bullet on June 5, 1968, at the Hotel Ambassador in Los Angeles that killed the New York senator.

Sirhan was convicted in April 1969 of murder and five counts of assault to commit murder in the Kennedy shooting. His death sentence was reduced this year to life in prison after the California Supreme Court declared capital punishment to be unconstitutional

Sirhan's appeal was prepared by two Los Angeles lawyers, Roger S. Hanson and George R. Milamn. They suggested California appellate judges had strained the laws of search and seizure to uphold the conviction because of Kennedy's national importance.

"It is evident," said the petition, "that few members of any appellate tribunal would care to be on record in reversing the conviction of a nondescript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy, who undoubtedly was at the threashold of his pinnacle of political achievement—the Democratic nomination for president of the United States, and with an excellent chance to become the nation's chief executive.

"In view of this, it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

Kennedy was shot just after winning the California Democratic presidential primary.

Sirhan's lawyers raised a dozen challenges to the conviction in trying to win a new trial for their 28-year-old client. Mainly, they complained about the way police searched his mother's home without a warrant.

(Indicate page, name of newspaper, city and state.)

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OCT 26 1972
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FD-350 (Rev. 7-16-63)

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Sirhan Asks High Court to Review Case

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

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Laws 'Strained'

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(Indicate page, name of newspaper, city and state.)

I-11 Los Angeles T
Los Angeles, Calif.

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FBI—LOS ANGELES

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Search Bureau

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

The mother of Sirhan B. Sirhan, assassin of Sen. Robert F. Kennedy, had a complaint issued in Pasadena charging another son with malicious mischief and disturbing the peace. Mrs. Mary Sirhan accused her eldest son, Saidallah, 40, with threatening to burn down her home with her in it. She said he also threw a piece of metal through a window of the house and tore off a screen door.

(Indicate page, name of newspaper, city and state.)

L2 Los Angeles Times
Los Angeles, Calif.

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☐ Being Investigated

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13 JUL 25 1972
FBI - LOS ANGELES

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Mrs. Sirhan Elated at Ban On Penalty

Mrs. Mary Sirhan, mother of the man who assassinated Sen. Robert F. Kennedy in 1968, contended today that this nation went into the lead in world justice when the U.S. Supreme Court ruled the death penalty unconstitutional.

"We have stepped into the light," said the mother of slim, dark-haired Arab immigrant Sirhan Bishara Sirhan.

"Now we are not only in the lead in the trip to the moon but in justice as well," she continued. "The whole world will look up to us."

The woman's son had been sentenced to die in California's gas chamber at San Quentin prison after his conviction for shooting Kennedy to death. Although his conviction was recently upheld, the California Supreme Court changed his death sentence to life in prison because the high state court earlier struck down the state death penalty.

Mrs. Sirhan's first reaction to the U.S. Supreme Court ruling was "that is really great . . . I think it's the greatest thing in my life to hear."

(Indicate page, name of newspaper, city and state.)

A-2 Herald Examiner
Los Angeles, Calif.

Date: 6/29/72
Edition: 8 Star
Author:
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JUN 30 1972
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FD-350 (Rev. 7-18-63)

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Reduction of Sirhan 1st-Degree Murder Conviction Asked

BY DAVE SMITH
Times Staff Writer

The assassin of Robert F. Kennedy asked the California Supreme Court to reduce the first degree murder conviction of Sirhan Bishara Sirhand to second-degree murder or manslaughter.

In presenting nine points in support of Sirhan's appeal at the hearing here, Hollywood attorney Luke McKissack stressed the issue of pretrial publicity, contending that an article in The Times on Feb. 12, 1969—after a jury had been sworn but before it was sequestered—could have prejudiced the jury in favor of a first-degree verdict.

The article dealt with an in-chamber plea-bargaining session between defense and prosecution, in which both parties agreed that if Sirhan pleaded guilty to a charge of first-degree murder, the prosecution would be satisfied with a life sentence rather than press for the death penalty.

Deal Turned Down

The agreement later failed when now-retired Superior Judge Herbert V. Walker rejected the deal, insisting that the question of penalty be left to the jury.

Then-defense attorney Grant B. Cooper moved for a mistrial at that time on the basis of The Times' report of the agreement, but after questioning each juror on knowledge of the report, Judge Walker rejected Cooper's motion.

Dep. Atty. Gen. Ronald M. George, arguing for the prosecution, defended the police search and seizure methods at the Sirhan home on the morning of June 5, 1968, hours after Kennedy was fatally shot.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles Calif.

Date: 4/8/72
Edition: SAturday Final
Author:
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Submitting Office: Los Angeles

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APR 10 1972
FBI — LOS ANGELES

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While McKissick termed those methods a "promiscuous" violation of due process, George cited a police "emergency doctrine" that was in force after the shooting because of the stature of Kennedy.

George said Sirhan's older brother, Adel, had voluntarily gone to the police to identify his brother, had given consent for the search, had been informed of his right not to cooperate and had waived it. George said police were given no reason at the time not to believe that they might be dealing with a conspiracy of several persons, perhaps directed at others besides Kennedy, considering the political turmoil of foregoing months.

Referring to the Supreme Court's Feb. 18 decision abolishing California's death penalty, George said:

"This political assassin has already been spared his life, though his mark on history can never be erased. I ask this court to affirm the judgment and write the final chapter in Sirhan's inexhaustible quest for reversal."

The court took the arguments under submission.

Sirhan was not present for the proceedings. Of his immediate family, one brother, Munir, 23, attended. He made no comment.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

STATE'S TOP COURT IN SIRHAN REVIEW

Arguments on the constitutionality of Sirhan Sirhan's conviction for the murder of Robert F. Kennedy will be heard this week by members of the California Supreme Court who today began a four-day session here.

The Sirhan case will be heard on Friday. The defense is contending the conviction should be reversed becaluse certain evidence was improperly admitted during the trial.

Among the contested evidence was a notebook in which Sirhan wrote random thoughts, including his desire to see Kennedy slain.

The defense alleges that the notebook, which it says is evidence of a "speculative and inflammatory nature," should have been excluded because it was seized without a search warrant, in violation of rights under the Fourth Amendment to the Constitution.

Sirhan's brother, Adel, had granted officers permission to search Sirhan's bedroom the day after the slaying. The notebook was found during this search.

The Supreme Court session began with oral arguments in the matter of a liquor license application in Isla Vista. No licenses ever have been granted in that university-oriented community of 10,000, located near Santa Barbara.

The high court jurists will decide if there was an abuse of discretion by the Alcoholic Beverage Control Appeal Board in denying a license for the selling of beer to be consumed off the premises.

The board justified its decision by pointing out that three student riots occurred near the premises in 1970 and several demonstrations have taken place in the nearby People's Park.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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Edition: 8 Star
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FD-350 (Rev. 7-15-63)

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Sirhan Sirhan's appeal of his first-degree murder conviction for the slaying of Sen. Robert F. Kennedy will be argued before the state Supreme Court today at its Los Angeles session. Sirhan will be represented by attorney Luke McKissack and the state by Ronald M. George, deputy attorney general. Kennedy was shot to death June 5, 1968, shortly after his California presidential primary victory celebration at the Ambassador.

(Indicate page, name of newspaper, city and state.)

~~1~~-2 Los Angeles Times
Los Angeles, Calif.

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Edition: Friday final
Author:
Editor:
Title:

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Classification:
Submitting Office: Los Angeles

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APR 7 1972
FBI — LOS ANGELES

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FD-350 (Rev. 7-16-63)

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A HAPPY MOTHER—Mary Sirhan, mother of Sirhan Sirhan, convicted slayer of Sen. Robert F. Kennedy, smiles broadly after the state Supreme Court ruled the death penalty unconstitutional. Her son is on San Quentin's Death Row. With Mrs. Sirhan is son's attorney, Luke McKissack.

(Indicate page, name of city and state.)

Angeles Times
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FEB 22 1972
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FI-350 (Rev. 7-16-63)

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JOURNEY THROUGH THE KILLING GROUND

The author of 'RFK Must Die!' returns to reality

BY ROBERT BLAIR KAISER

"This is an obsession. And happy, typical Americans aren't obsessed. Jack Armstrong isn't obsessed. There's a fantastic way in which the assassination becomes a religious event. There are relics and scriptures and even a holy scene—the killing ground. People make pilgrimages to it. And, as in any religious event, what happened there isn't clear, it's ambiguous, surrounded by mystery, uncertain, dubious. I think there is a feeling with some of us that it has to be clarified. It's the symbolic status of it that's important. Somehow, one hopes to clarify one's own situation and one's own society by clarifying this . . . ."

Josiah Thompson, assassination buff

I first remember reading about the assassination buffs in a thoughtful piece in *The New Yorker* by Calvin Trillin. Trillin had scared me. He made it clear that the buffs — an underground network in obsessive pursuit of "the co-conspirators at Dallas"—threatened to consume themselves in a quest that was destined to end in doubt. Essentially, the buffs were hobbyists. In other, less troubled times, they might have collected stamps and read Agatha Christie. Now they were wrapped in a real game which, they fantasized, could get them killed. An exciting game for an exciting age.

At first the buffs worked in isolation, building their own research libraries, exhibits, mock-ups and blowups. Then they learned of one another's existence, began to compare notes, to canonize their own heroes, vilify their own villains. With the assassinations of Martin Luther King and Robert Francis Kennedy, their numbers would increase. They would set up their own dues-paying organization, the national Committee To Investigate Assassinations, and produce a newsletter flagged with a provocative question next to its metered postmark:

(Indicate page, name of newspaper, city and state.)

Pg. 6 West Magazine
Los Angeles Times
Los Angeles, Calif.

Date: 1/30/72
Edition: Sunday Final
Author: Robert Blair Kais
Editor:
Title:

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FEB 8 1972
FBI — LOS ANGELES

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"Who Is Killing Our Leaders?"

Like the buffs, I, too, found it hard to believe that Oswald had acted alone, that he had changed the course of history because he had an argument with his life over a lousy washing machine. I refused to think life was that absurd. Somehow, it would be less absurd if Oswald were part of a Plan, anybody's Plan. But I was a Jack Armstrong. No obsessions for me. Let the authorities handle the case.

I made my resolve back in 1967, when, after five years with *Time*, I was building a new family and a new career as a writer with a name. I had a two-novel contract with New American Library, I had a free-lance contract with *Look*, I had made a beginning, to boot, in television news.

One year later, after the assassination of Senator Robert Kennedy in Los Angeles, where I lived, I put all that life aside and chose death. In Josiah Thompson's metaphor, I made a journey to the killing ground, collected the relics, pored over the scriptures. In the metaphor of my native Arizona, I chose the conspiracy trail and rode it as far as I could and found that it led nowhere; as in the Black Mountain area of the Navajo Indian Reservation, I found box canyons within box canyons within box canyons. I met a good many quaint characters along the way, most of them quaint enough to be certifiably crazy. But at the end of the trail there was nothing: no waterfall, no Indian maidens, no mother lode. And there was no way out, except the way I had come, back over my own tracks, wishing I had something to show for my trouble other than an empty canteen, squinting curiously again at the crazies I had met on the way in, wondering at myself for ever having begun the journey at all.

This is the story of my journey, of my ride in and my ride out and what I learned from it all. It is a piece of self-revelation hardly calculated to make me look like a hero. Okay. I don't want to be a hero—anymore—just accepted as a member of the human race, sometimes wise, sometimes foolish, sometimes weak, sometimes strong, almost always curious, often a damn fool.

*J*une 1968. Los Angeles. Another Kennedy killed. "God, not again!" Anguish. But a reportorial challenge. I found a way of getting to the assassin and I took it. For all my reservations about the assassination buffs, I wanted to know more, more than I thought the officials would tell. Would I become a buff? Hell, no. I was just a curious reporter in search of the facts, all the facts. Maybe I'd even learn something close to the total truth.

So I talked with the assassin. I talked to him two or three times a week for seven months. I went into his cell with his psychiatrists. I tape-recorded his sessions with them, even his sessions under hypnosis. I found that the assassin, Sirhan Sirhan, could not remember killing Kennedy, that his declared motives for doing so didn't make sense, that he was evasive about his associations during May and June of 1968, that he was inordinately curious to know what certain of his friends had told the FBI. I judged that he was covering up for others, including a girl who was with him in the Ambassador Hotel, and I couldn't dismiss the evidence of the notebook discovered in his room: it was full of jottings indicating he associated the killing of Kennedy with a payment (or a promise of a payment) of money to himself.

Neither the Federal Bureau of Investigation nor the Los Angeles police were allowed to talk with the assassin, but they produced thousands of pages of reports on their reconstruction of the events at the Ambassador Hotel and on the persons they thought might shed some light on the case. They ended up with the same uncertain verdict as I. Privately, they were inclined to agree with Sirhan's own judgment (expressed twice to me in moments of unusual bluster) that the FBI had done "a lousy job of investigation." Publicly, they said there was "no conspiracy."

And so, when I had finished my research, I could not say I had gotten absolute answers. (That depressed me more than it should have. After you've learned the multiplication tables, do you ever attain absolute anything? Absolute truth, absolute justice, absolute love, absolute freedom?) But I had collected every available piece of data on the case and I had a duty, I thought, to set it all down in a coherent narrative history. I began writing what turned out to be a 634-page book called (ghastly title, a quote from the assassin's incriminating notebook) *"R.F.K. Must Die!"*

That's when I should have quit—when the book was finished. I made one stab at doing so; I tried to turn over my suspicions to J. Edgar Hoover:

> . . . I wonder what your investigators think [I wrote to Hoover] about certain clues which point toward a conspiracy. I am not entirely convinced that Sirhan wasn't put up to this by somebody else and I have a few good reasons why I think so. Since I have talked to Sirhan and your people didn't, I assume my reasons might bear some examination.

But Hoover didn't want to hear them. I could hardly believe that. The vaunted FBI didn't want to know!

That made me mad. Maddened, I would go off on a fun trip, my conspiracy trip.

For some time, I had resisted the blandishments of some West Coast assassination buffs—Pete Noyes, Fernando Faura, John Christian, Bill Turner—even though they were newsmen with a professional "license" to be curious. Now I started comparing notes with them, urging them to travel certain avenues of investigation with me traveling theirs. I was getting obsessed with the idea that if the FBI wouldn't carry this on, I would, that I could (with a little help from my friends) do what several hundred agents of the FBI and the Los Angeles Police Department could not do.

I took trips to a ranch near Corona, California, where Sirhan worked as an exercise boy. I interviewed friends of Sirhan whom he had tried to cover for. I poked into the privacy of some persons who, I fantasized, might have me killed. Once, before I interviewed a racetrack character in northern California, I visited the local sheriff's office, identified myself and said, "If I don't come back in two hours, you'd better come in with your sirens on." On the eve of my book's publication, I talked with Sheriff Peter Pitchess of L.A. and asked him to put a watch on my own home. He did, and when the deputies began making their rounds, flashing their spotlights into the house in the dead of night, my wife began to freeze with fear. She had special locks put on all the windows and doors.

Was I going beyond the bounds? In retrospect, I must say yes. I had forgotten, I guess, the injunction I used to hear on radio's old "Gangbusters." The announcer, I recall, used to read a list of the FBI's most wanted criminals and tell all of us 10-year-olds in the listening audience: "If you see any of these criminals, under no circumstances attempt to apprehend him yourself. Call your local FBI."

I was going too far in another sense, beyond my own standards of integrity. Balked by Hoover, I could have called quietly on other officials and given them my leads. Instead, I added a bit to the last chapter of my book to call for a reopening of the case. It was a play designed to draw attention from the fans in the bleacher seats. I think I did it in the great hope it would hurt J. Edgar Hoover (whose arrogance and unaccountability I resented) and in the small hope that the media attention would stimulate sales on a book that had already put me in a financial hole.

As it turned out, the public ho-hummed about "another conspiracy theory" (often failing to distinguish between the assassinations of JFK and RFK), and Hoover made only one counterattack on me (he implied that I had manufactured quotes from a Los Angeles FBI agent who, in fact, told me the case was still open) which the press ignored.

There was no public outcry and, with huge legal fees to pay after a suit by Sirhan to stop my book (because I wouldn't let him censor it), I have yet to make a nickel on *"R.F.K. Must Die!"*

The assassination buffs, however, loved me. That was something, but it was, I soon found, a love I could have done without. I traveled the country, doing the standard promotional bits expected of most authors these days, and the buffs would gather around. Some of them were fascinating, brilliant people, like a man I shall here call John Nelson of Dallas. In Dallas, Nelson took me to the killing ground, showed me all the famous points of reference: Lee Oswald's back yard, Jack Ruby's apartment, the spot where Officer Tippitt was shot, General Walker's living room window. And then he took me to his penthouse apartment.

Nelson's study was filled with card files and notebooks cataloging the most intimate, cross-indexed histories of more than 5,000 persons connected in the slightest way with the scenario at Dallas. Nelson had been near Dealey Plaza when the President was shot, he had a camera with him, he rushed over and started taking pictures. That started him on his own private inquiry, for he was saddened that such a thing should happen in his beloved Dallas and puzzled that the authorities couldn't get to the bottom of it all. I was impressed with Nelson's collection, in much the same way, I guess, I would be impressed with a man's collection of butterflies, or matchbooks. But here I began to wonder. This was a serious game he was playing and what was the use?

Nelson's shoulders seemed perpetually slumped, as if in defeat, and he was still comparatively young. The hours he'd expended to compile that mountain of data must have taken a toll on himself and, I guessed, on his business and on his family. I couldn't see that his investigation had gotten him close to Oswald's co-conspirators, and I found no names in his file on the JFK assassination corresponding to any of the names I had been collecting on the assassination of RFK. Yet Nelson told me he was afraid of reprisals against him and/or his family. He extracted a promise from me never to mention his name.

Other buffs embraced me. In New York, I met Paris Flammonde, the author of a book on the John Kennedy assassination, a bearded fellow blessed with an apparently total recall of every fact ever written about JFK and Dallas. Flammonde arranged a dinner for me with Bernard (Bud) Fensterwald, a Washington lawyer currently defending James Earl Ray who served, in his spare time, as the executive director of the Committee To Investigate Assassinations, and, later, with Richard Sprague, an aerospace engineer from Hartsdale, New York, also a board member of the CTIA.

These people represented, as far as I could tell, the best of the buffs. They were, in general, a suspicious lot, but they had a healthy respect for facts and a contempt for buffs (like Mark Lane) who cheated, and I was tempted to join their ranks. I was lonely out there on the conspiracy trail.

The mail I received didn't make me feel any less lonely. Each weekend, on my return home to California, I would find a small pile of letters from other buffs. A woman from New York claimed in a series of notes that Sirhan was part of a plot by British Israelis who were really Freemasons. A woman from Ohio sent me a manuscript detailing the Rosicrucian - CIA - FBI - right wing - military-industrial plot to kill RFK. And a wealthy lawyer from Oklahoma who had read all 26 volumes of the Warren Report wanted to finance further research (to be directed by me) on his theory that both Kennedys were the victims of a plot hatched by the Red Chinese.

The real mystery is why conspiracy theories appeal to us

I got at least a dozen communications from persons who were living in the expectation of imminent death because they "knew too much" about one or another of the assassinations.

One day, a man who will be known here as *Jim Hall* phoned me from Phoenix. Hall said he knew the man behind Sirhan. He'd seen the man's name in Sirhan's notebook (which I had reproduced in my appendix): "Stokeley." Maybe, I said to myself, this is the break I've been looking for. No one had known the "Stokeley" scribbled in Sirhan's notebook and Hall sounded like a sober, intelligent fellow. I made arrangements to meet him in Phoenix on my next trip east. Hall turned out to be obsessed with injustice. He said he'd been done in pretty badly by a group in Texas, one of them a man named Stokeley. *Therefore*, said Hall, Stokeley and his friends *must* have had someting to do with the killing of both Kennedys. No other evidence. But Hall had put all of his paranoia on paper, in a small mimeographed book. Maybe I could help him sell it?

In the last chapter of my book, I had propounded —very tentatively—the theory that Sirhan may have been programmed through hypnosis to kill RFK and programmed to forget that he had been programmed. I elaborated the theory to help explain some unexplained bits of evidence: the repeated assertions in Sirhan's notebook that "RFK must die" as if he were repeating instructions from another; his extreme susceptibility to hypnosis; his blocking and locking whenever, under hypnosis, he was asked about his involvement with others; his unusual, almost trance-like behavior on the night of the assassination.

Using that theory as a road map took me into one box canyon after another. Since Sirhan had played around with the occult and had scribbled in his notebook mysterious notations about black magic, the Illuminati and the Master Kuthumi, I plunged, with some local buffs, into a study of California's occultists. We didn't find the Master Kuthumi, but there are certain local buffs still out there on the conspiracy trail, sincerely looking for him. That may be harmless enough.

Not so harmless is another buff named Theo-

dore Charach (pronounced sha-RACK), who has been trying for years to make it big in Hollywood and believes he is now on the verge of scoring with a film documentary which, he says, "breaks the case wide open." I first encountered Charach on my way up the conspiracy trail. He seemed determined to prove conspiracy no matter what the fact.

Charach proceeded in his research from a false premise: that Sirhan met Robert Kennedy face to face in the pantry and never got closer than two feet —and therefore couldn't have shot Kennedy behind the right ear.

Charach didn't know (or didn't care) about abundant testimony from others that Sirhan approached Kennedy from behind. It didn't fit his theory: *if* Sirhan was facing Kennedy and Kennedy was shot in the right mastoid, then Sirhan didn't shoot Kennedy, *someone* else did. JFK assassination buffs, who generally believe the President was caught in a cross fire at Dallas, liked that idea.

Who, then, was the other gunman? In the office of his attorney, Godfrey Isaacs, Charach told me it must have been a security guard hired for the night by the hotel. His name: Thane Eugene Cesar. Why Cesar? Because, it was in the official records, Cesar had drawn his gun in the pantry immediately after the shooting. He had admitted that he was behind Kennedy when Sirhan opened fire. Maybe, reasoned Charach, Cesar took advantage of the moment to kill Kennedy himself. But why? Charach interviewed Cesar and found that Cesar had voted for George Wallace. That *did it*. Logically, to Charach, anyone who voted for George Wallace had a motive to kill Senator Kennedy.

But did Cesar shoot Kennedy? No. The identifiable bullets recovered from pantry victims were all shot from a .22. Cesar had a .38 with him in the pantry. And, like everyone else in the pantry, he was startled and afraid when the shooting started. He fell to the floor, and stayed there until the shooting had stopped. Then he rose, pulled his gun and moved to Kennedy's side, "to protect the senator from further attack." With disgust, Bill Barry, Kennedy's aide, told Cesar, "Put the gun away. It's too late." It was all in the official reports of the police and the FBI, which were placed in evidence after the trial. And no one had seen anyone else shooting in the pantry.

Well, almost no one. Charach had some tape recordings, among them an interview given on the night of the shooting to reporter Ruth Ashton Taylor of KNXT, Channel 2 by a young man named Donald Schulman, a news runner for KNXT. Though Schulman's recollection was "fuzzy" he told Ruth Taylor he'd seen security men shooting back at the assassin.

I wondered what Schulman had actually seen or if he was even in the pantry. He wasn't on the police list of persons in the pantry. I guessed that Schulman was simply repeating some of the rumors that were flashing through the crowd that night at the Ambassador. One rumor: that the men who first jumped the assailant were Roosevelt Grier and Rafer Johnson. Another, that the assailant was a man named Jesse Grier. Another, that Kennedy was all right, that he was only shot in the knee. Another, that a security guard had shot the assassin dead. All of these stories were carried by UPI and reported on L.A. radio and T.V.—all were false.

So I dismissed Charach and his prize witness, Schulman. So, also, in the summer of 1970, did most of the newsmen of L.A. except for the editors of the *Los Angeles Free Press*. The only thing difficult to understand: why Cesar didn't sue Charach for libel. ("I didn't sue," Cesar told me recently in an interview, "because Charach doesn't have any money and suing to clear my name isn't worth the money it would cost to sue.")

Cut to the summer of 1971. I am coming off my conspiracy trip. I meet Charach once again and now he has not only his audio tapes but an hour-long documentary film, in color, which Charach says "proves" his theory of a cross fire in the pantry. Now here is the maître d', Karl Uecker, florid of face, babbling away about his moment of glory, insisting he stopped Sirhan well short of Kennedy. Here is a shot of a whirling tape recorder playing Cesar's words, out of context: in his interview with Charach, Cesar had told Charach he had a .38 revolver in the pantry, but, under prodding, described a .22 pistol he'd once owned, but sold in February 1968, before the assassination of RFK. Now in the movie, after judicious cutting and splicing, Cesar's voice appears to be describing the .22 he had *in the pantry*. Here is Schulman being interviewed by Charach on the Ambassador Hotel green. He is no longer "fuzzy," he's an expert eyewitness.

In fact, Schulman was not in the pantry at the time of the shooting. He was in the crowd back in the Embassy Room, where Kennedy had just spoken, standing next to Dick Gaither of KNXT and Frank Raciti, now a film editor at KNXT.

Charach has another star witness with more serious credentials. He is a veteran ballistics expert from Pasadena named William W. Harper. Under Charach's urging, Harper had visited the County Clerk's office and examined the evidence bullets from the Sirhan trial. Two of the bullets, Charach said he said, didn't match.

Apparent corroboration, therefore, of Charach's two-gun theory. Two bullets that didn't match. Therefore, two different guns banging away in the pantry. Where was the other gun? Charach said the police had destroyed it, but he had evidence of its existence in the trial exhibits. It was a gun with the serial number H18602 and its number was written right across people's exhibit 55 which contained three test bullets, supposedly fired from Sirhan's gun. According to LAPD criminalist DeWayne Wolfer, those three bullets matched those taken from victims in the Ambassador pantry. But the serial number of Sirhan's gun was H53725 and the serial number on the jacket of exhibit 55 was H18602.

Wow! According to that "evidence," the pantry victims were not shot by Sirhan's gun but by another gun. The implications of that were absurd. Gun number H18602 was a test gun, also an Iver-Johnson .22, which the police used for powder burn and decibel readings. The police had this gun on the night of the assassination. They had taken it on March 18, 1967, from a young man named Jake Williams and kept it in property until June, 1968. Wolfer used that gun for his test and wrote down its serial number by mistake, a stupid mistake, but nothing more than a clerical error.

What about Harper's conclusions? I went to Harper. Harper said he wasn't sure. He'd compared those two bullets to each other (but *not* to the test bullets in exhibit 55) by means of photographic blowups. He said he'd rather have the opportunity to do some further studies, to use a comparison microscope and compare those bullets to the test bullets in exhibit 55 and to a new set of test bullets taken from a new test firing of Sirhan's gun. Then, he said, he could make a final judgmet.

All together, then, Charach's "evidence" is nonexistent, flimsy or uncertain. With it, however, he is able to produce (and finance!) a movie. And more. With it, he persuades the Sirhan family to dismiss their appeals lawyer, Luke McKissack, and hire Charach's own attorney, Isaacs. He hopes that on the basis of Charach's evidence he can get a new trial for Sirhan.

Sad to say, the court system in California may have to spend yet more time adjudicating this baseless claim. In fact, the state has already spent time and money doing so. District Attorney Joseph Busch ordered an inquiry into the substance of Charach's assertions. His investigators found none. Privately, they gave Wolfer bad marks for bad bookkeeping and Cesar all the sympathy they could muster for the bum rap of the year, if not the decade—for Cesar didn't shoot Kennedy, and he wasn't a right wing radical, as Charach claimed, but simply a plumber and part-time security guard who had voted for George Wallace and once contributed $3 to the Wallace campaign.

The D.A.'s investigators also found pretty poor security in the County Clerk's office; and a county grand jury gave the clerk a public reprimand for his "misfeasance in office." Almost anybody, it seems, could have gotten to certain trial exhibits and done almost anything to them, even, perhaps, to the evidence bullets themselves.

At least 12 people lived in fear because they 'knew too much'

Eventually, if the popular wisdom persists in impeaching the integrity of the official ballistics examinations, officials will do some new tests of Sirhan's gun and compare the slugs to the bullets in evidence. By then, of course, the buffs will be off on some new track. And the conspiracy trip will go on.

But not for me. I am off that trip now. I don't know whether there is a conspiracy or not. I never did *know*, but I thought that some day I might. Anyway, I am tired of dealing with death. I'd like to start living again in the present.

And the people I meet in the ranks of the buffs depress me. I encountered a brace of buffs recently, waiting to testify before the grand jury. All of us had been called because our names had appeared on the clerk's records as viewers of Sirhan trial exhibits. I saw that one of the buffs was carrying a copy of my book, and I was pleased—until the young man started talking to me. Then I realized he was crazy. Charach was there, chortling at his success in getting a part of the case reopened and boasting that he "got the case for Godfrey Isaac." Other buffs assaulted me with "new facts" which weren't facts at all but conjectures and imaginings calculated to feed their bias against "the system." I couldn't see that their hobby was doing them any good at all, maybe a good deal of harm.

I still get mail from buffs and potential buffs. There is an honest, hard-working fellow from Detroit named Harry Kruk, who is yearning to de-program a hypno-conditioned Sirhan (or see that some other expert does so). Kruk's hobby is hypnosis, and he can demonstrate, he says, that almost anyone can be programmed to do anything.

Bud Fensterwald, a man of heart and wit, keeps in touch. I have refused to become a member of the board of the CTIA, but he keeps writing and phoning and asking me to check up on obscure persons and movements which the underground network suspects of perfidy. I had lunch with Fensterwald not long ago in Los Angeles while he detailed some "new leads," then accompanied him to the headquarters of the Scientology movement in L.A. where we wasted two hours seeking information about a strange new Satanist cult called The Process.

When I am not being a died-in-the-wool, full blown, damn fool, paranoid assassination buff, however, I hold no hopes that I will ever "solve" the mysteries of either assassination. Deep down, maybe, I still hope that someone can put the pieces together and, bigger job, prove it all in a court of law. But I don't think I'll be able to do it. The best I can hope for is to understand how it was that I ever believed I could, and why I thought I needed to do so.

This could be an adventure in the exploration of inner space, one that would lead me into the labyrinthine ways of my own psyche where I could palpate my primitive need to have explanations for the unexplainable, even if the explanations must be cast in the form of myth and legend. In my youth, I met these needs by immersing myself in the rationalistic mysticism of the Jesuit Order. When I left the Order some 13 years ago, I thought I had outgrown the need. Now I am not so sure: the hunger for meaning is still there; the chaos of the '60s and the '70s only intensifies the emptiness inside. Either I learn to live with chaos or I manufacture new myths.

This is nothing new. The Roman poet Virgil presented us with an elaborate analysis of our own myth-making propensities in a long passage of the *Aeneid* personifying Dame Rumor. But modern scholars (with the minor exception of Gordon Allport in his thin study on *The Psychology of Rumor*) have paid far too little attention to these weird workings within many of us.

I do not believe I have been alone in my needs. Gallup polls continue to reflect a general, even majority belief that there was a conspiracy to assassinate two Kennedys and a King, and the popular song, "Has Anybody Here Seen My Friend John?" only serves to underline the general acceptance of a legend which, if anything, is still growing among us.

Those who have a hard time living with chaos refuse to accept the judgement that Oswald and Ray and Sirhan were "just crazy." And so, undeterred by lack of any evidence that would stand up in a court of law, they concoct fantasies out of the available facts, and/or their pet hatreds and fears at a time in history when there is a bull market in both. Thus, the plot is either left wing or it is right wing, big business or Mafia, the CIA, the FBI or the Pentagon, Zionist, Third World, the occult or, even, Getty, Onassis, Johnson, the Kennedy family itself, the Catholic Church, the Masonic Order. Everyone, it seems, has his own favorite co-conspirators; some manage to combine many or all in a plot that becomes rather vast.

Before one smirks and begins to feel superior to these simpletons, he had better examine his own deepest feelings. Glenn Akers, a student of contemporary folklore in Los Angeles, found one or another of these "co-conspirators" I just mentioned above lurking under the surface consciousness of *all* of the respondents he polled recently regarding the assassination of John Kennedy. He did his research in a sample of students, faculty and staff at San Fernando Valley State College. And some of his respondents expressed belief in another Kennedy legend: 42 percent of those polled by Akers have heard the story that John Kennedy is still alive and believe that the legend has some plausibility.

I don't think it does any good to call such beliefs "sick" in order to dismiss them. Such belief may, in fact, be a kind of emergency therapy, self-applied. Belief in a legend that Kennedy is still alive may help assuage the folk where they hurt the most, and half belief in a conspiracy may provide temporary answers where no answers exist.

In fact, as I explore my own inner space (a grueling affair), I am sometimes tempted to go back to that search for the easier answer, the whole conspiracy thing. If Fensterwald phoned me tomorrow and asked me to meet him at midnight in the middle of a swamp 14 miles outside Pascagoula, Mississippi, I'd probably grab my trenchcoat and catch the next jet headed south.

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

ABOUT THIS ISSUE

In his article beginning on page 6, Robert Blair Kaiser introduces us to that curious breed of sleuths who have devoted enormous energy to searching for a conspiracy in the deaths of JFK, RFK and Martin Luther King. Kaiser should know, for he himself was a member of the obsessed tribe. In preparing his celebrated book "*RFK Must Die!*" he revised his last chapter "to mobilize the public to *do* something, since the FBI, CIA and other agencies had dragged their feet." His article recounts how, after E. P. Dutton published his book in October of 1970, Kaiser did "my junior G-man thing, trying to find a conspiracy myself to explain what Sirhan did." His hopes have since been dashed, but even today a peculiar glint shines in his eyes when he discusses his long and futile hunt for evidence of a conspiracy. Kaiser was particularly drawn to the case because of his personal admiration for Bobby Kennedy. They had first met during the 1960 Presidential race; the place was Phoenix where, he recalls, Bobby breezed into town as his older brother's "brash young campaign manager." Kaiser was then a newspaper reporter, having dropped plans to enter the Jesuit priesthood after 10 years of study. Clare Boothe Luce admired his work and introduced him to her husband; in due course Kaiser began a five-year stint with *Time* during which, while stationed in Rome, he won the Overseas Press Club's 1963 award for the best magazine reporting on foreign affairs. After quitting *Time* in 1966, he went to work on Tom Braden's campaign for lieutenant governor and got thick with "the Kennedy crowd." By 1968 he was a free-lance writer (Kaiser has contributed not only to *West* but to the *Ladies Home Journal*, *Playboy* "and everything in between"), and the morning after RFK's assassination *Life* assigned him to the Sirhan story. When his book came out two years later, he sent copies to such Kennedy stalwarts as Arthur Schlesinger, Pierre Salinger and Teddy White, all of whom "either sent it back or let me know they wouldn't read it. The title was too gruesome for them, and the whole memory caused too much pain." Kaiser believes that much of the public has similarly repressed RFK's death and that this, in part, explains the modest sales of "*RFK Must Die!*" (If alive, Kaiser thinks, RFK would now be President.) When he submitted his present article to *West*, what principally intrigued us was the ambiguous self-portrait the author had drawn. On the one hand, he described himself as at last freed from his obsessive belief that a conspiracy was involved; on the other hand, he could become a true believer all over again if even a minimum of evidence were to appear — or so we inferred from what he wrote. When we asked him about this apparent ambiguity, Kaiser agreed with the interpretation. "In the RFK killing," he said, "I was never able to prove a conspiracy, but I still think someone else may eventually be able to do that." As he spoke, the glint in his eye became a gleam.

56-156-3-1
56-156-3-2
56-156-3-3

(Indicate page, name of newspaper, city and state.)

Pg. 4 West Magazine
Los Angeles Times
Los Angeles, Calif.

Date: 1/30/72
Edition: Sunday Final
Author: Robert Blair Kais
Editor:
Title:

Character:
or
Classification:
Submitting Office: Los Angeles

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FBI — LOS ANGELES

Kaiser

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Sworn affidavit by Criminalist Harper

I, WILLIAM W. HARPER, being first duly sworn, depose as follows:

1. I am a resident of the State of California and for approximately thirty-seven years have lived at 615 Prospect Boulevard in Pasadena, California.

2. I am now and for thirty-five years have been engaged in the field of consulting criminalistics.

3. My formal academic background includes studies at Columbia University, University of California at Los Angeles and California Institute of Technology where I spent four years, including studies in physics and mathematics with the major portion devoted to physics research.

4. My practical experience and positions held include seven years as consulting criminalist to the Pasadena Police Department where I was in charge of the Technical Laboratory engaging in the technical phases of police training and all technical field investigations including those involving firearms. I was, during World War II, for three years in charge of technical investigation for Naval Intelligence in the 11th Naval District, located at San Diego, California.

After my release from the Navy, I entered private practice as a consulting criminalist. Extending over a period of 35 years I have handled roughly 300 cases involving firearms in homicides, suicides and accidental shootings. I have testified as a consulting criminalist in both criminal and civil litigations and for both defense and prosecution in both State and Federal Courts. I have qualified as an expert in the courts of California, Washington, Oregon, Texas, Nevada, Arizona and Utah. I am a Fellow of the American Academy of Forensic Sciences.

5. During the past seven months I have made a careful review and study of the physical circumstances of the assassination of Senator Robert F. Kennedy in Los Angeles, California. In this connection I have examined the physical evidence introduced at the trial, including the Sirhan weapon, the bullets and shell cases. I have also studied the autopsy report, the autopsy photographs and pertinent portions of the trial testimony.

6. Based on my background and training, upon my experience as a consulting criminalist, and my studies, examination and analysis of data related to the Robert F. Kennedy assassination, I have arrived at the following findings and opinions:

A. An analysis of the physical circumstances at the scene of the assassination discloses that Senator Kennedy was fired upon from two distinct firing positions while he was walking through the kitchen pantry at the Ambassador Hotel. *Firing Position A*, the position of Sirhan, was located directly in front of the Senator, with Sirhan face-to-face with the Senator. This position is well established by more than a dozen eyewitnesses. A second firing position, *Firing Position B*, is clearly established by the autopsy report. It was located in close proximity to the Senator, immediately to his right and rear. It was from this position that 4 (four) shots were fired, three of which entered the Senator's body. One of these shots made a fatal penetration of the Senator's brain. A fourth shot passed through the right shoulder pad of the Senator's coat. These four shots from Firing Position B all produced powder residue patterns, indicating they were fired from a distance of only a few inches. They were closely grouped within a 12 inch circle.

In marked contrast, the shots from *Firing Position A* produced no powder residue patterns on the bodies or clothing of any of the surviving victims, all of whom were walking behind the Senator. These shots were widely dispersed.

Senator Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior portions of his body.

B. It is evident that a strong conflict exists between the eyewitness accounts and the autopsy findings. This conflict is totally irreconcilable with the hypothesis that only Sirhan's gun was involved in the assassination. The conflict can be eliminated if we consider that a second gun was being fired from *Firing Position B* concurrently with the firing of the Sirhan gun from *Firing Position A*. It is self-evident that within the brief period of the shooting (roughly 15 seconds) Sirhan could not have been in both firing positions at the same time.

(Indicate page, name of newspaper, city and state.)

17 Free Press
Los Angeles, Calif.

Date: 1/21/72
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Author:
Editor: Art Kunkin
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No eyewitnesses saw Sirhan at any position other than *Firing Position A*, where he was quickly restrained by citizens present at that time and place.

C. It is my opinion that these circumstances, in conjunction with the autopsy report (without for the moment considering additional evidence), firmly establish that two guns were being fired in the kitchen pantry concurrently.

D. There is no reasonable likelihood that the shots from *Firing Position B* could have been fired by a person attempting to stop Sirhan. This is because the person shooting from *Firing Position B* was in almost direct body contact with the Senator. This person could have seen where his shots would strike the Senator, since the fatal shot was fired (muzzle) from one to three inches from the Senator's head. Had Sirhan been the intended target, the person shooting would have extended his arm beyond the Senator and fired directly at Sirhan. Furthermore, two of the shots from *Firing Position B* were steeply upward; one shot actually penetrating the ceiling overhead.

E. The police appear to have concluded that a total of eight shots were fired with seven bullets accounted for and one bullet unrecovered. This apparent conclusion fails to take into account that their evidence shows that a fourth shot from *Firing Position B* went through the right shoulder pad of the Senator's coat from back to front. This shot was fired from a distance of approximately one inch according to the testimony. It could not have been the shot which struck Victim Paul Schrade in the forehead since Schrade was behind the Senator and traveling in the same direction. The bullet producing this hole in the shoulder pad from back to front could not have returned by ricochet or otherwise to strike Schrade in the forehead. This fourth shot from *Firing Position B* would indicate 9 (nine) shots were fired with two bullets unrecovered. This indication provides an additional basis for the contention that two guns were involved, since the Sirhan gun could have fired only 8 (eight) shots.

F. The prosecution testimony attempted to establish that the Sirhan gun, and no other, was involved in the assassination. It is a fact, however, that the only gun actually linked scientifically with the shooting is a second gun, not the Sirhan gun. The serial number of the Sirhan gun is No. H53725. The serial number of the second gun is No. H18602. It is also an Iver Johnson 22 cal. cadet. The expert testimony, based on matching the three test bullets of Exhibit 55 in a comparison microscope to three of the evidence bullets (Exhibit 47 removed from the Senator, Exhibit 52 removed from Goldstein and Exhibit 54 removed from Weisel) concluded that the three evidence bullets were fired from the same gun that fired the three test bullets of Exhibit 55. The physical evidence shows that the gun that fired the three test bullets was gun No. H18602, not the Sirhan gun. Thus, the only gun placed at the scene by scientific evidence is gun No. H18602. Sirhan's gun was taken from him by citizens at the scene. I have no information regarding the background history of gun No. H18602 nor how the police came into possession of it.

G. No test bullets recovered from the Sirhan gun are in evidence. This gun was never identified scientifically as having fired any of the bullets removed from any of the victims. Other than the apparent self-evident fact that gun No. H53725 was forcibly removed from Sirhan at the scene, it has not been connected by microscopic examinations or other scientific testing to the actual shooting.

H. The only reasonable conclusion from the evidence developed by the police, in spite of their protestations to the contrary, is that two guns were being fired in the kitchen pantry of the Ambassador Hotel at the time of the shooting of Senator Kennedy.

I. From the general circumstances of the shooting the only reasonable assumption is that the bullet removed from victim Weisel was in fact fired from the Sirhan gun. This bullet is in near perfect condition. I have, therefore, chosen it as a "test" bullet from the Sirhan gun and compared it with the bullet removed from the Senator's neck. The bullet removed from the Senator's neck, Exhibit 47, was one of those fired from *Firing Position B*, while the bullet removed from Weisel, Exhibit 54, was one of those fired from *Firing Position A*, the position of Sirhan. My examinations disclosed no individual characteristics establishing that Exhibit 47 and Exhibit 54 had been fired by the same gun. In fact, my examinations disclosed that bullet Exhibit 47 has a rifling angle approximately 23 minutes (14%) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun.

The above finding stands as independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting.

J. The conclusions I have arrived at based upon my findings are as follows:

(1) Two 22 calibre guns were involved in the assassination.

(2) Senator Kennedy was killed by one of the shots fired from *Firing Position B*, fired by a second gunman.

(3) The five surviving victims were wounded by Sirhan shooting from *Firing Position A*.

(4) It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Senator Kennedy.

(5) It is also unlikely that the shooting of the Senator could have accidentally resulted from an attempt to shoot Sirhan.

Dated: December 28, 1970.

William W. Harper

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On this ..... day of December, 1970, before me appeared, personally, WILLIAM W. HARPER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Notary Public in and for ____ said County and State.

(Seal)

Notes on People Vs Sirhan

Assume that Sirhan had escaped from the scene of the Kennedy assassination with the gun without being seen by any eye witnesses. Assume also that the autopsy and medical reports and other physical evidence were the same as we find them today. What effect would these circumstances have had on the investigation? Would the police have been searching for one assassin or for two?

Upon completion of the autopsy it would have been immediately evident that the Senator had been fired on by some gunman in close proximity to him and to his right and rear.

It was also apparent at this time, or very shortly thereafter, that the five additional victims were following the Senator and to his rear. Had the gunman, after shooting the Senator, turned to his left and fired apparently indiscriminately into the crowd of his followers. If so, why?

The Senator was the "target" victim. The shooting of the additional victims would certainly have to be considered as accidental. No one could reasonably believe that Schrade, Stroll, Goldstein, Evans and Weisel had been deliberately chosen for elimination as well as the Senator. The trajectories of the shots wounding these accidental victims necessarily came from a position ahead of the Senator, not from behind him.

These circumstances would suggest to any experienced homicide detective, as well as to any criminalist, that two guns were involved and two gunmen had to be tracked down.

Multiple-gun shootings are not a rarity in police work. When bullets of different calibers are removed from victims and/or found at the crime scene, it is obvious that more than one gun is involved. When all recovered bullets are the same caliber the conclusion that a single gun is involved must not be hurriedly reached.

The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts. The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria. The well established teachings of criminalistics and forensic pathology were cast aside and by-passed in favor of a more expedient solution and, unfortunately, an erroneous over-simplification.

January 1, 1971 William W. Harper

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

KPFK broadcast brings out new material

Did Sirhan kill Kennedy? Was there a 2nd gunman?

ART KUNKIN

Last week the mystery surrounding the assassination of Robert Kennedy in Los Angeles was once again in the public eye with the broadcasting by radio station KPFK of original interviews and material developed by Theodore Charach in his unrelenting probe of RFK's death for a film he is making on the subject.

As *Free Press* readers will remember, the controversy ultimately hinges around the question of whether Sirhan was the only one firing a gun in the pantry of the Ambassador Hotel. The Los Angeles police department and their experts issued a report presumably accounting for the eight bullets in Sirhan's gun. Critics, however, have pointed to the fact that photographs are in existence showing investigators removing bullets from areas of the pantry not listed in the police accounting for their eight bullets and along lines of fire not possible from Sirhan's position. In short, they say there were more than eight bullets fired, therefore more than one gunman.

Also the critics say that the investigation was badly bungled by police experts, evidence mishandled after the crime, and that Sirhan was not close enough to Kennedy or at the right angle to have fired the critical shots. Although the police have backed the opinions of their investigators, Charach has presented material from other criminalists which charges police criminalist DeWayne Wolfer of violations of procedure in investigating Kennedy's assassination.

This conflicting material consists of affidavits from criminalist William W. Harper (which the *Free Press* prints here for the first time anywhere), a letter from Marshall Houts, editor in chief of *Trauma Magazine*, a publication dealing with medicine, anatomy and surgery, to California Attorney General Evelle J. Younger, and an interview by Theodore Charach with Gene Caesar, a private guard at the scene of Kennedy's assassination who had his gun drawn and had the opportunity of firing it, although the official investigation somehow did not ask the questions which would have developed this material. When *Caesar candidly answered* Charach's questions revealing his right wing political stance and the fact that his gun was drawn, Caesar was obviously unaware that Charach was seeking to poke holes in the official attitude toward the assassination.

In statements broadcast last week over KPFK, in a program produced by Charles Waite, a person alleged to be Caesar and who speaks of his presence in the pantry as an Ace Guard states that Nixon is "trying to out-do Johnson ... I definitely wouldn't have voted for Bobby Kennedy, 'cause he had the same ideas as John did and I think John sold the country down the road. He gave it to the commies ... He literally gave it to the minority ... He says, 'Here, you take over ... I'm giving it to you, you run the white man.' ... One of these days, at the rate they're going, there's going to be civil war in this country ... It's going to be the white against the black, and the only thing I'd say is the black will never win."

This obviously right wing man with a gun was then asked by Charach the following question:

CHARACH: Now, let's clarify again this important point. You tell us you originally drew your gun after raising yourself from your fall. The LAPD report confirms you reached for your gun instantly. And the FBI reports say you are on the kitchen floor, scramble to your feet before drawing your gun. The true version ....

CAESAR: I had it out of my holster. I had it in my hand ... when the shots were fired I reached for my gun and that's when I got knocked down.

The letter from Marshall Houts to Attorney General Evelle Younger on June 26, 1971, says in part:

"Dear Ev:

This is an elaboration of our discussion last night at .... As I indicated then, I have no personal in-

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terest in this matter but do have a deep academic and professional interest over Wolfer's horrendous blunders in the past and those he will commit in the future if he continues on in his present assignment ....

I know all of the men who have stepped forward to speak in this present civil service proceeding. They are all men of great integrity and professional competence whose sole concern is in the elevating the field of criminalistics to a professional status .... The idea that these men who are national leaders in criminalistics are out to 'get' Wolfer because of motives of 'professional jealousy' is totally absurd. They are deeply grieved over his unconscionable antics since these bring discredit to their profession ....

Wolfer suffers from a great inferiority complex for which he compensates by giving the police exactly what they need to obtain a conviction. He casts objectivity to the winds and violates every basic tenet of forensic science and proof by becoming a crusading advocate. This is rationalized as being entirely legitimate since the accused is guilty anyway ....

I will not elaborate on the details of the three cases under consideration by the civil service board (Sirhan, Kirschke and Terry) other than to say that real experts of integrity who have examined portions or all of the evidence are appalled at what Wolfer did .... By all means, don't let a group of police 'experts' in firearms identification, who might be suggested to the civil service board by Wolfer, give Wolfer a coat of whitewash .... I'll be glad to run in and talk to you about these matters if you wish. If I can do anything else for you, please let me know. (Signed) Marsh."

Evidently the whitewash did happen and Charach is still pursuing this matter, bringing new evidence to the public, planning legal actions and a release of his film which will hopefully result in re-opening the official investigation of RFK's death. And no one should take this lightly because, as the *Los Angeles Times* noted last August 16 in a lengthy article on the possibility of a second gunman in the Sirhan case, "It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people had appeared to be an open and shut political murder case."

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(Mount Clipping in Space Below)

Charach challenges for D.A. post

Will Bobby Kennedy's ghost beat Busch at the polls

FRED HOFFMAN

Bobby Kennedy's ghost is coming back to haunt District Attorney Joseph P. Busch in his quest for reelection this year.

Almost four years have passed since the second Kennedy brother was shot in the Ambassador Hotel and shipped back to Washington, D.C. in a box. L.A. County authorities' handling of the politically-inspired murder will be an issue in the coming election.

President Kennedy's accused assassin never went to court, and Martin Luther King's alleged killer was given 99 years in jail with no trial. But in Los Angeles a million-dollar show was put on "to restore public confidence in our institutions."

Theodore Charach, the stubborn researcher whose work helped uncover the DA's use of fabricated, fraudulent evidence to convict Sirhan Sirhan, held a press conference at KPFK Friday morning to play a new taped documentary and to announce that his documentary film, "Who Killed Bobby Kennedy?", will be released during the Presidential campaign.

Charach proposed to make this an effective issue in the 1972 campaign. "I hold the Office of the California Attorney-General, the Office of the Los Angeles County District Attorney and the Los Angeles Police Department accountable for this travesty on the face of the American community.

"District Attorney Joseph P. Busch must be defeated in his bid for elective office. In defeating Busch we will be rebuking Attorney-General Evelle Younger.... Mr. Busch has declined to serve justice on the strength of the unchallenged Harper findings by respected members of the profession of Criminalistics." (Criminalistics is scientific evaluation of physical trace evidence linking an individual suspect to a specific crime. Criminalistics applies sophisticated measurement techniques to fingerprints, ballistics, photographs, etc.)

Charach called "for the eradication of Wolferism in the prosecution of criminal law. By Wolferism I define that poison which permits falsification and manufacture of evidence in our courts through police incompetence, si[illegible]

Dewayne Wolfer, now acting head of the LAPD crime lab, was the prosecutor's ballistics expert during Sirhan's trial. Charach, William Harper and other investigators claim that Wolfer fabricated evidence, falsified documents and provided the police with an oversimplified solution to the Kennedy murder.

Wolfer was to become permanent head of the crime lab July 1 until charges were made against him by attorney Barbara Blehr late last Spring. Busch's office was supposed to investigate the accusations and the implication that Robert Kennedy was killed by a second gunman. Instead the DA suddenly became "terribly concerned" that the evidence had been tampered with. The county clerk served as temporary scapegoat while the authorities responsible slid the main issue aside. Then the clerk was exculpated, the evidence was said to be in order and it was alleged that all is right with the world. Wolfer's promotion was temporarily shelved.

William Harper, an eminent criminalist who qualifies as an expert in six states and is a Fellow of the American Academy of Forensic Sciences, studied the evidence for seven months and then wrote:

"Senator Kennedy was fired upon from two distinct firing positions.... Sirhan was directly in front ... face-to-face with the Senator. A second firing position ... was located in close proximity to the Senator, immediately to his right and rear. It was from this position that four shots were fired, three of which entered the Senator's body.... Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior parts of his body.

"...a second gun was being fired ... concurrently with the firing of the Sirhan gun.... The fatal shot was fired (muzzle) from one to three inches from the Senator's head.

"The prosecution ... attempted to establish that the Sirhan gun, and no other, was involved in the assassination ... however ... the Sirhan gun ... was never identified scientifically as having fired any of the bullets removed from any of the victims ... it has not been connected by microscopic examinations or other scientific testing to the actual shooting."

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16 The Staff
Los Angeles, Calif.

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Editor: Brian Kirby
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Harper offered the very simple finding that ballistic examination of two of the bullets shows that they "could not have been fired from the same gun" as his "independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting."

Busch has ignored these simple facts since last summer's neat sidestep and whitewash, but he may not be able to ignore them much longer. The Republican DA, Evelle Younger's handpicked successor, says he is satisfied with the way his office operates.

Deputy DA Vincent Bugliosi says he is not satisfied. Bugliosi, a Democrat, announced that he is running against his boss on the promise of better prosecution and a higher conviction rate. He has not been heard from yet on the Kennedy assassination issue.

Marge Buckley, who led Peace and Freedom's 1970 ticket by getting 175,000 votes in her campaign for state Attorney General, has announced that she will run for DA. Buckley attended Charach's press conference Friday and said that reopening the Kennedy investigation will be part of her program for a general housecleaning.

"The District Attorney's Office is one of the most important jobs that we have. I think one of my first jobs would be to investigate the prosecution of the person accused of assassinating Senator Kennedy. I would have to look at what the police and county government did in that case.

"I would have to look at how they tried to pillory Coroner Thomas Noguchi in an attempt to discredit him. When he was on the stand during the Sirhan trial the District Attorney asked Dr. Noguchi only very general questions. Judging from the implications of his autopsy findings, I think there is a great deal to investigate here."

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(Mount Clipping in Space Below)

Jury View Disputed on Sirhan Evidence

Report Takes Issue With Main Points of Criticism

A report by the Los Angeles County chief administrative officer Thursday took issue with some major points of criticism the county grand jury directed against the county clerk's office in the handling of evidence in the Sirhan B. Sirhan murder trial.

County Clerk William G. Sharp's office did show some deficiencies in looking after the evidence, but Sharp's office is being "effectively administered" in a "quite creditable" manner, CAO Arthur G. Will said.

The 29-page report was prepared for the Board of Supervisors by a task force of personnel from Will's office.

Will concluded that "inadequate attention on a sustained basis was given to the magnitude and importance of the trial by top management" in Sharp's office.

Sirhan was convicted of the murder of Sen. Robert F. Kennedy. He is now awaiting execution at San Quentin Prison.

The county clerk's office, Will continued, "needs to establish effective mechanisms for identifying cases of major significance and establishing appropriate special procedures to insure foolproof handling of all aspects of the clerk's responsibilities."

But as to a grand jury charge that the county clerk's office failed to comply with an intention of the court that ballistics evidence in the case be "specifically packaged," the Will report said:

"Our task force finds that no special instructions were given by the court in this regard. The storage of the bullets while in the custody of the county clerk was in the same package they were in when received from the LAPD. This was consistent with the standard operating procedure . . ."

The grand jury criticized the county clerk's office for assertedly allowing unauthorized persons to view and handle the Sirhan exhibits, and it noted that several pages of copies of notebooks of Sirhan's notes were missing.

"Allowing representatives of counsel to view exhibits has been standard operating procedure for the division," the report answered.

The missing copies of notebook pages, the report said, had been intended for jury and public viewing and were available at 50 cents a page.

"We are unable to determine the disposition of these copies," the report said. "However, the original documents were transmitted to the state Supreme Court intact."

As to the grand jury's general criticism of the performance of upper and middle management of the county clerk's office, the report answered:

"Management and overall operation of the department is generally satisfactory. The most serious criticism which would appear to be applicable is that management did not consistently follow through to insure understanding and compliance to instructions by lower level staff in this particular case."

Sharp, who called the grand jury criticism of his office "totally unfounded" when it was made last August, appeared satisfied with the Will report.

"The report of the chief administrative officer refutes charges made by the grand jury that evidence in the Sirhan case was mishandled," Sharp commented. "This investigation fully corroborates my views all along that no exhibit in the Sirhan case was tampered with while in my custody."

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Inspection of Assassination Report Sought

Immediate access to a 10-volume investigation report dealing with the assassination of Sen. Robert F. Kennedy was demanded Tuesday by attorney Barbara Warner Blehr in a Superior Court petition.

Mrs. Blehr made her demand in connection with her defense in a $2 million libel suit brought by DeWayne A. Wolfer, acting head of the Los Angeles police crime laboratory. His suit was based on a letter written by Mrs. Blehr in opposition to his permanent appointment.

The inspection plea, set for hearing Nov. 16 before Superior Judge Max Z. Wisot, declared that Mrs. Blehr had been denied access to the material even though it is a public record and has been used by writers looking into the murder of the New York Democrat by Jordan-born Sirhan B. Sirhan.

Mrs. Blehr has contended that while Sirhan may have fired pistol shots at Kennedy, the fatal bullets could have come from another gun. But Wolfer's lab work, she has charged, was so faulty that it became almost impossible to present this theory in court.

The Blehr petition also seeks the right to inspect police reports concerning the murder prosecutions of former Dep. Dist. Atty. Jack Kirschke and one Lewis Terry. All of the reports, she maintains, have been perused by others but have been denied to her on the grounds that they are confidential.

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NO COHORT

Sirhan Was Lone Killer, Police Say

A Police Department board of inquiry Tuesday told Los Angeles Police Chief Edward M. Davis that it had found no foundation to the theory that anyone besides Sirhan B. Sirhan was involved in the assassination of Sen. Robert F. Kennedy.

The board issued its report one day after Los Angeles County Dist. Atty. Joseph P. Busch announced that his office, after a five-month probe, had reached the same conclusion.

The three-man police board attributed the "alternate assassin" theory to "conspiracy buffs" who, they said, "will be constantly attempting to document their beliefs."

Both the police and district attorney's probes were launched May 28 when attorney Barbara Warner Blehr accused Police Department criminalist DeWayne A. Wolfer of mishandling the ballistics investigation of the Kennedy assessination and two other murder cases, including that of former Dep. Dist. Atty. Jack Kirschke.

While Busch's office investigated only the charges pertaining to the Kennedy assassination the police board went into all three.

As with Busch's probe, the police board conceded there was a clerical error in the labeling of one evidence envelope during the Sirhan trial. The board said it found no evidence of any errors in the other two cases.

The board was made up of Asst. Chief Jack G. Collins, Dep. Chief John A. McAllister and Comdr. George N. Beck.

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Criminalist in Sirhan Inquiry Cleared of Impropriety by DA

Busch Says Allegations of Ballistics Procedure Violations Were 'People Trying to Make Something Out of Nothing'

BY RON EINSTOSS
Times Staff Writer

Police criminalist DeWayne Wolfer Monday was cleared of allegations that he violated ballistics procedures in the investigation into the assassination of Sen. Robert F. Kennedy.

Dist. Atty. Joseph P. Busch Jr. said a lengthy inquiry by his office refutes the accusations against Wolfer. The prosecutor labeled those attacking the criminalist's work on the case as "people trying to make something out of nothing."

Busch conceded, however, that his office did not test-fire the gun taken from Sirhan B. Sirhan, the convicted slayer of Kennedy. He said there is insufficient evidence of any improprieties on Wolfer's part to necessitate doing so.

Weapon in Custody of Court

Wolfer's critics contend that such a firing would substantiate their charges. The death weapon now is in the custody of the California Supreme Court.

The allegations that Wolfer acted improperly were contained in a letter sent by attorney Barbara Warner Blehr to the City Civil Service Commission on May 28—nearly three years after Kennedy was shot to death and five others were wounded in a pantry of the Ambassador.

In her four-page letter, assertedly written in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department's crime laboratory, Mrs. Blehr accused the criminalist of violating four separate precepts of investigative procedures in his handling of the Sirhan matter.

Her charges also raised the question of whether a second gunman might have fired the shots which felled Kennedy on June 5, 1968 as he was celebrating his California Presidential primary election victory.

Mrs. Blehr contended that Wolfer never actually test fired the gun taken from Sirhan, but rather tested another gun which, she claimed, did in fact match at least three bullets removed from some of the victims.

Lists Investigation Points

Busch said Monday he is convinced that Sirhan and only Sirhan was involved in the assassination and he pointed out that his own investigation of the allegations revealed only these relevant facts:

—That serious errors in Mrs. Blehr's charges against Wolfer were uncovered.

—That a careful study of these errors refute Mrs. Blehr's allegations.

—That a clerical error was made (by Wolfer) in the labeling of an envelope containing three bullets test fired from Sirhan's gun by Wolfer.

—That serious questions concerning the present integrity of exhibits in the Sirhan case were raised because of the handling of the evidence by unauthorized persons while it was in the custody of the Los Angeles County Clerk's office.

"The mislabeled envelope in no way detracts from the salient reality that the murder verdict returned (against Sirhan) was just and correct," Busch declared, noting also that Sirhan's conviction followed a "massive" six-month inves-

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tigation which involved interviews of more than 1,000 persons and the efforts of more than 75 investigators.

The district attorney's office began its inquiry on June 4 of this year because, Busch explained, he felt an independent investigation was needed, "so there would be no loss of confidence on the part of the public" as to whether Wolfer used proper procedures.

Busch blamed "distressingly lax handling of the trial exhibits by the County Clerk's office as one of the reasons that his investigation took so long to conclude.

Busch charged that Mrs. Blehr's accusations, some of which were supported by affidavits signed by three other criminalists, were the result of inadequate examination of the trial record and incomplete investigation of the actions of Wolfer in the case.

He said Wolfer's only error was in mistakenly labeling an envelope containing three bullets test-fired from the gun taken from Sirhan with the serial number of the same type of gun which was used for other tests in the case.

The second gun was used only to conduct tests of sound characteristics and to verify muzzle distance at a time when the Sirhan weapon already had been introduced into evidence before the County Grand Jury, Busch said.

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Sirhan Attorneys Say Search Illegal

SAN FRANCISCO (AP)—Attorneys for Sirhan B. Sirhan have challenged the death penalty and claimed illegal search in the conviction and sentencing of Sirhan in the 1968 slaying of Sen. Robert F. Kennedy.

In a closing brief, the attorneys yesterday argued Sirhan's bedroom and personal belongings were illegally searched because his brother could not give permission while Sirhan was in custody.

They argued that Sirhan is being subjected to cruel and inhuman punishment in violation of the 8th and 14th Amendments to the U.S. Constitution by being sentenced to death.

Luke McKissick, a Los Angeles attorney, signed the 55-page brief which supplements a 700-page opening brief filed earlier.

Sirhan, 27, was convicted of murdering Kennedy on June 5, 1968, and sentenced to death at San Quentin Prison.

In the first brief, Sirhan claimed Los Angeles Superior Court Judge Herbert Walker erred in Sirhan's two unsuccessful attempts to plead guilty. He also contended there was an illegal search of his personal belongings, illegal selection of both grand and trial juries and exclusion of jurors who opposed capital punishment.

The latest brief argued that the search of a trash area at the Sirhan home produced an envelope which had highly prejudicial material written on it and said the search violated Sirhan's constitutional rights.

Of capital punishment, the attorneys said:

"The purposes of criminal law are satisfactorily effectuated by life imprisonment, a means less subversive to the right to live.

"California has shown no compelling interest which warrants rendering the appellant extinct."

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What Sirhan Probe Heard on Lost Data

Testimony in the grand jury probe into charges of mishandling of evidence in the Sirhan Bishara Sirhan case revealed the mysterious disappearance of exhibits and money from the county clerk's office, it was learned today.

Thefts were discovered in August, 1969, and a number of employes in the county clerk's office were asked to take lie detector tests, John Walker, head of the Court Services Division, testified during the recent investigation.

The disclosure was made today with the release of three volumes of testimony taken during the grand jury hearing last month. Earlier investigations disclosed some Sirhan trial exhibits were missing, but these were not specified in the jury transcript.

The probe resulted in County Clerk William G. Sharp being criticized by the Board of Supervisors for allowing evidence in the assassination case to be misplaced. Some of the documents, including a copy of one of Sirhan's three notebooks, disappeared.

According to Walker's testimony, one of the employes in the clerk's office assigned to the exhibits section resigned, rather than take a second lie detector test.

Sharp, who has been in the county clerk's office since 1941, testified during the secret proceedings that nobody had notified him about a court order restricting the viewing of the Sirhan exhibits only to persons with proper authorization.

Sirhan has been sentenced to death for the assassination here of U.S. Sen. Robert F. Kennedy on June 5, 1968.

Sharp told the grand jury he had no knowledge of the court order issued by Superior Court Judge Herbert Walker until after a probe was launched into the mishandling of the Sirhan exhibits.

The only explanation Sharp gave was that he was "out of town" when the court order was issued.

"I can't answer that," Sharp said when Deputy Dist. Atty. Richard Hecht asked him why no one had notified him later of the court order.

Peter Talmachoff, chief of the criminal division in the County Clerk's office, also has drawn criticism because of his failure to protect the exhibits.

Talmachoff, according to the transcript, attended a meeting in the chambers of Superior Court Judge Charles Loring on May 16, 1969. The meeting, attended by Judge Walker, Robert Houghton, a highranking member of the Los Angeles Police Department and Deputy Dist. Atty. David N. Fitts, was held to lay down ground rules on the best methods of protecting the Sirhan evidence.

Talmachoff received direct orders not to release the Sirhan items except under court order, the transcript revealed.

Other witnesses testified that the Sirhan paper exhibits were moved to several different locations for reproduction purposes. Sharp and Talmachoff blamed a "too heavy" work load and ignorance of untrained new employes for the items going astray.

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THE PUBLIC SPEAKS OUT

Younger Comments on Sirhan Trial Theories

In recent months, questions have been raised concerning all aspects of the Sirhan case by a variety of people for a variety of motives.

When, as district attorney of Los Angeles County, I prosecuted Sirhan, we knew, and I so stated on numerous occasions that some day someone would raise questions concerning the manner of death and the parties responsible.

It was inevitable that the conspiracy theory would be suggested —that makes a better story.

Even though I knew that some persons, whose motives might or might not be apparent, would never allow the case to be put to rest, we took all reasonable means to insure that the true story was developed and perpetuated.

However, in recent months that which we predicted has occurred, and I am still frequently asked whether there were inconsistencies in the testimony at the Sirhan trial.

My answer: Yes, definitely there were. When 65 witnesses testify concerning any incident, I am not disturbed concerning minor inconsistencies in the testimony. I would be concerned if all 65 witnesses testified in precisely the same manner.

Honest individuals testifying to an event which they observed could not possibly see, hear and recall the events in the exact same way. Inconsistencies of a minor nature lend credence to the testimony of witnesses. In the Sirhan case such inconsistencies as existed in the testimony of the witnesses were considered and evaluated by the jury.

It should be remembered that the investigation following the assassination of Robert F. Kennedy on June 5, 1968 by the Los Angeles Police Department and other cooperating departments, including the Los Angeles County District Attorney's Office, the FBI and other agencies, was one of the most complete, if not the most complete, criminal investigations ever conducted by a law enforcement agency in the United States.

It was determined that all possible information would be obtained and be made available to the public at a time when the constitutional rights of the defendant could not be jeopardized by the attendant publicity.

More than 4,000 witnesses were interviewed. Sixty-five witnesses were called by the district attorney of Los Angeles County to testify during the course of the trial. At the conclusion of the case, reports covering interviews with those witnesses who had not been called to testify by either party, comprising 199 in all, were filed with the Superior Court as exhibits and became a matter of public record.

At the request of defense counsel, duplicates of more than 150 files containing interviews of potential witnesses were delivered on pretrial discovery motions. Included among these files were recorded interviews of more than 70 persons who were reported to have observed the defendant at some time during the evening of June 4 and the early morning of June 5 at the Ambassador Hotel.

EVELLE J. YOUNGER
Attorney General
Sacramento

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Transcript on Sirhan Case Quiz Released

By RON EINSTOSS
Times Staff Writer

A Pasadena criminalist who supported charges of irregularities in the ballistics investigation into the Sen. Robert F. Kennedy assassination may have been given improper access to evidence in the case, it was learned Wednesday.

The disclosure came with Superior Judge William B. Keene's release of the 690-page transcript of the county grand jury's inquiry into the handling of evidence in the case by the county clerk's office.

Jurors criticized County Clerk William G. Sharp and members of his staff three weeks ago at the conclusion of the hearing. They claimed there now is some question as to the integrity of evidence introduced during the trial of Sirhan B. Sirhan, convicted slayer of Sen. Kennedy.

There is no indication in the three-volume transcript that criminalist William W. Harper tampered with any of the evidence. But retired Superior Judge Herbert V. Walker testified he did not believe Harper should have been permitted to handle ballistics evidence without a court order.

Walker issued the order at the conclusion of Sirhan's trial which provided that only attorneys of record or their agents should be given access to the ballistics evidence.

OK'd by Lawyer

Harper said he was allowed to examine the evidence after obtaining a letter from attorney George E. Shibley, an associate of Luke McKissack, who is one of the lawyers representing Sirhan in his appeal.

It was Harper's investigation which is said to have led to the filing of charges with the City Civil Service Commission against police criminalist De Wayne A. Wolfer.

The charges, prepared by attorney Barbara Warner Blehr, alleged that Wolfer made errors and violated procedures in his ballistics investigation not only in the Sirhan case but also in two others, including that of former prosecutor Jack Kirschke, who was convicted of killing his wife and her lover.

Although he had no connection with the Sirhan case, Harper was a defense witness at the Kirschke trial.

Harper testified he was referred to Shibley by Theodore R. Charach, a major proponent of the theory that Kennedy was killed by a second gunman, not Sirhan.

The testimony of several witnesses appeared to support the grand jury's charge of laxness in the clerk's office in the handling of exhibits in the case.

Harper informed the grand jury that once while he was examining the ballistics evidence, he was in the company of attorney Godfrey Isaac. Isaac reportedly represents both Charach in his attempts to bring the conspiracy theory before the public and Sirhan in his appeal.

Robert B. Kaiser, who authored the book "RFK Must Die" and served as a defense investigator during Sirhan's trial, testified that another proponent of the conspiracy theory, John Christian, boasted some time in 1969 that he had "slipped" some copies of pages of Sirhan's notebook out of the clerk's office.

Copies of Evidence

Kaiser also testified that he believed he could have walked out of the clerk's office with anything he wanted.

Christian, who, according to Kaiser, denied taking the evidence after he learned of the district attorney's investigation into the matter, reportedly declined to appear before the grand jury.

Sharp, who has denied as "unfounded" all claims that his office was negligent in its handling of Sirhan evidence, said Wednesday that he has appointed several members of his staff to closely examine the transcript and report their findings to him.

Meanwhile, the Board of Supervisors is conducting its own investigation in the case.

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Misconduct In Sirhan Case Denied

Investigation continues today by an "in-house" task force into the handling of evidence surrounding the assassination conviction of Sirhan B. Sirhan despite denials by County Clerk William G. Sharp that any "misconduct or mishandling" has occurred.

At the same time that a seven-member task force appointed by Chief Administrative Officer Arthur G. Will began its probe yesterday, Sharp held a press conference to refute criticism leveled at him and his staff by the grand jury.

County Supervisors ordered Will to set up the task force following receipt of a letter Tuesday from the grand jury accusing Sharp of "probable misfeasance and nonfeasance" in guarding the evidence used in Sirhan's trial.

Sharp hotly denied that any evidence was "missing or lost" and he has no knowledge of "misconduct, dishonesty or willful mishandling" of the exhibits by his staff.

Sharp said he "welcomed" the investigation to be made by Will's third in command, Harry L. Hufford, and the task force headed by Analyst Roy Ito.

Sharp added, however, that until the grand jury transcript is made available to him, he could not "intelligently" respond to many of the points raised by the panel.

But, he flatly stated that none of the original Sirhan evidence is missing and that security precautions were adequate.

"I could change my mind after reading the grand jury transcript," Sharp said, "and we will take very quick disciplinary action if that is the case."

The task force investigation should take about three weeks, a spokesman for Will said.

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Sirhan Case Probe Extended

New evidence uncovered in the Los Angeles County Grand Jury investigation into handling of exhibits used during ghe Sirhan B. Sirhan trial today has led to an additional day of inquiry.

Dep. Dist. Atty. Richard Hecht, in charge of the investigation, said he requested extention of the hearing, but he refused to elaborate on the evidence.

"It's a very delicate matter," Hecht said.

He expected the investigation to wind up by noon Monday.

The grand jury has interviewed 24 witnesses since last Monday, following reports of tampering with exhibits from the trial of Sirhan for the assassination of Sen Robert F. Kennedy.

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Denies Any Inefficiency in Sirhan Case

BY RON EINSTOSS
Times Staff Writer

County Clerk William G. Sharp Wednesday denied as "totally unfounded" stinging criticism of his office by the Los Angeles County Grand Jury for its handling of evidence in the assassination of Sen. Robert F. Kennedy.

The 58-year-old department head said he has seen no indication that anyone in his office has done anything improper.

He welcomes an investigation by a special task force appointed by Board of Supervisors Chairman Warren M. Dorn, he added.

He is confident, Sharp said, that the inquiry under the direction of Asst. County Administrative Officer Harry L. Hufford will confirm the efficiency of the management of the clerk's office.

And, Sharp said, he does not plan any changes in the operation of his office as a result of the grand jury's criticism.

No Missing Evidence

Sharp also told a press conference that "no regular records or exhibits" used in the trials of Sirhan B. Sirhan and Jack Kirschke are missing.

Sirhan was convicted and condemned to death for the slaying of Kennedy. Kirschke, a former county prosecutor, is serving a life term for killing his wife and her paramour.

According to the county clerk, the only missing or incomplete documents are the applications to view the exhibits in the cases and, he explained, there are no statutory requirements that he keep these.

Commenting on the grand jury's charge that numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks are unaccounted for and that the copy of another of the notebooks is missing in its entirety, Sharp said the original notebooks are intact and in the hands of the California Supreme Court (which is reviewing Sirhan's appeal).

He conceded that certain photostatic copies made to preserve the integrity of the three notebooks themselves are incomplete. However, he said these can be reconstructed from the original exhibits if necessary.

As to the grand jury's charge of misfeasance—a lawful action done in an illegal or improper manner—Sharp said that if, after reading the transcript containing the testimony of 35 witnesses who testified during the five-day hearing, he finds evidence of misconduct by anyone in his office, he will "take the appropriate action."

The transcript, according to Sharp, will not be available until next week. It is being released by special order of Superior Judge Richard F. C. Hayden at the request of the grand jury and Dep. Dist. Atty. Richard W. Hecht, who conducted the inquiry.

Sharp said his office has fully cooperated with the district attorney in the matter.

He conducted his own investigation of the case, he added, including an audit of all exhibits in the possession of the clerk's office here.

In reply to criticism that his office did not specially pack its ballistics evidence in the Sirhan case as suggested by the court, Sharp said, "There is nothing in Judge (Herbert V.) Walker's order which required evidence to be specially packaged."

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No Policy Change

He said bullets fired from Sirhan's gun were handled only by a criminologist who received authorization from one of the attorneys of record and that he was given access to them only under surveillance of personnel of the clerk's office.

Sharp explained that until he sees the transcript he cannot "intelligently comment" on an allegation that there is a general lack of security precautions in his office.

He said, however, that all exhibits are kept in a strong vault under strict security regulations and that only certain exhibit personnel have access to it.

The grand jury also rebuked Sharp because he was not informed prior to June of this year of the existence of Walker's order that evidence in the Sirhan case should be given special handling.

Sharp said his top aides attended the conference with the judges and did not consult with him because no change in office policy was required by the court's order.

There are many such conferences with judges, Sharp said, and although they do not always concern cases of "historical importance" such as Sirhan's, they do, he said, concern many matters of "major importance."

Most of them, he said, are not brought to his attention unless they require a decision on his part or a change in policy.

Sharp claimed that his office has complied with most of the recommendations contained in a 1968 Los Angeles County Grand Jury report which was critical of the handling of exhibits in criminal cases. He said that in complying with the suggestions he "went far beyond the report."

Any "objective analysis" of his office, Sharp said, will "prove wrong" the grand jury's statement that his department is concerned only with "minor details of reform" at the expense of overlooking its major responsibilities.

Present during Sharp's meeting with the press was Peter J. Talmachoff, who heads the clerks' criminal division.

Talmachoff also was criticized by the grand jury, but Sharp said he has seen no evidence of improper conduct by his aide.

The grand jury's hearing into Sharp's operations were part of an inquiry by the district attorney's office into allegations of irregularities in the original ballistics investigation that led to Sirhan's conviction.

Chief Dep. Dist. Atty. John E. Howard said Wednesday that his office now is evaluating the grand jury's action. The panel's findings will be "an integral part" of the district attorney's final report on the ballistics matter, he added.

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County Clerk Assailed in Sirhan Case

Los Angeles County grand jurors have criticized the County Clerk's office for allowing unauthorized persons to tamper with evidence concerning the trial of convicted assassin Sirhan B. Sirhan.

The criticism came in the form of a letter delivered yesterday to the County Board of Supervisors.

Grand Jury Foreman Leo Epstein blasted County Clerk William Sharp and Chief of the Criminal Division Peter Talmachoff for "misfeasance" of duties which resulted in the loss of certain evidence.

The missing evidence included pages from two photostatic copies of one of Sirhan's notebooks and bullets fired from Sirhan's gun.

After the letter was delivered, Epstein and Deputy Dist. Atty. Richard Hecht appeared before Superior Court Judge Richard Hayden to ask that the transcripts of a five-day hearing into the evidence tampering be made public.

Judge Hayden granted the motion.

Epstein said the County Clerk's office had largely ignored a court order restricting the viewing of evidence from the Sirhan trial which ended with Sirhan's conviction on charges of killing Sen. Robert F. Kennedy.

Using strong language, Epstein bluntly accused Sharp of "mismanagement" and failure to communicate effectively with his subordinates in the duties of his office.

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities . . . in a unique case of historical importance . . . is culpable," Epstein said.

"The official records of (his) office concerning evidence in the trial of Sirhan and Jack Kirschke (former Deputy Dist. Atty., convicted of the murder of his wife) are incomplete, inadequate, confusing and, in some instances, simply missing," he continued.

Because of the "startling inadequacy" of the official record in the County Clerk's office, Epstein said the grand jury was unable "accurately to reconstruct the events which such records should precisely reflect." The lack of sufficient information, the foreman continued, "precludes at this time any criminal action relating to the possible theft of those documents."

He blamed the County Clerk's office for ignoring a court order issued by Superior Court Judge Arthur Alarcon and later continued by Judge Herbert V. Walker which restricted the viewing of original exhibits to persons who received the court's permission.

Judge Hayden ordered that the transcripts be released when they are completed as a single document rather than on a piecemeal basis. This could result in a delay of several days.

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Some Sirhan Case Evidence Disappears

Some evidence in the Robert F. Kennedy assassination case is missing, it was revealed Monday.

Dep. Dist. Atty. Richard W. Hecht made the disclosure after the Los Angeles County Grand Jury wound up a five-day hearing into allegations of possible tampering in the county clerk's office with evidence used at the Sirhan B. Sirhan trial.

Sirhan was convicted and condemned to death for the June 5, 1968, slaying of Sen. Kennedy.

The missing evidence, according to Hecht, consists of copies of exhibits introduced during the Sirhan court proceedings.

Special Report

Hecht, who heads the district attorney's organized crime-pornography division, refused to elaborate, but indicated that the grand jury may soon issue a special report on its findings in the matter.

Jury foreman Leo D. Epstein refused to comment on Hecht's statement, but noted that jurors will return this morning to continue their deliberations.

When the hearing began last week, Hecht said that if there was any testimony or direct evidence of tampering, it would affect the "integrity" of all Sirhan evidence in the custody and control of the county clerk's office.

The prosecutor said his office did not ask the grand jury for any criminal prosecution in the case and indicated that he does not expect any to be forthcoming.

Thirty-five witnesses were summoned to testify at the hearing, including County Clerk William Sharp, Peter J. Talmachoff, chief of the clerk's criminal records division, and William W. Harper, who contends there were irregularities in the original ballistics investigation in the Sirhan case.

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Charge by Grand Jury

SIRHAN EVIDENCE TAMSEEN

—As a bus driver, his pay was small and his apartment looked like a stripped ghetto tenement. But now that he has retired on $100,000 a year, he is building a $500,000 mansion. Since he quit work last year, said Jackie Gleason, and married the former Beverly McKittrick, they have been "living the good life of golf, booze and romance." Everyone wants

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Letter Assails County Clerk for 'Probable Misfeasance'

BY RON EINSTOSS
Times Staff Writer

The Los Angeles County Grand Jury Tuesday severely criticized the county clerk's office for its handling of evidence in the assassination of Sen. Robert F. Kennedy. In a scathing five-page letter sent to the Board of Supervisors, the jury said in part:

"The Los Angeles County Grand Jury finds the existence of probable misfeasance . . . with respect to the management and operation of the Los Angeles county clerk's office."

(Misfeasance is the performance of a lawful action in an illegal or improper manner or wrong or improper conduct in public office—acts of omission or remission rather than deliberate wrongdoing.)

It was the jury's finding, after a five-day hearing into allegations of possible evidence tampering in the Kennedy case, "that such management, if allowed to continue, can only weaken the integrity and structure of county government . . ."

Clerk's Aide Also Named

The letter was signed by jury foreman Leo Epstein and foreman pro tem Christian W. Planje and was highly critical of County Clerk William Sharp and Peter J. Talmachoff, chief of Sharp's criminal division.

The matter was taken to the grand jury, according to Dep. Dist. Atty. Richard W. Hecht, because the question of evidence tampering arose during an inquiry into alleged irregularities in the original ballistics investigation that led to the conviction of Sirhan B. Sirhan for the slaying of Kennedy.

Jurors found that tampering had occurred, and that, in fact, some of the evidence in the case is missing.

However, Hecht said, indictments were not returned because "there is insufficient evidence of a prosecutable crime."

Numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks—both used as court evidence in the case—apparently were taken while in the custody of the clerk's office.

Hecht revealed that two pages are missing from one copy and 23 from another.

In addition, the copy of another notebook is said to be missing in its entirety, but this was not mentioned in the grand jury's letter.

The missing copies or tampered evidence are not expected to have any effect on Sirhan's appeal, the district attorney's office said.

None of the original notebooks or pages from them is missing.

Although the grand jury expects to take no criminal action in the case, the investigation into the missing notebook and pages from the two others is continuing, according to Hecht.

At the same time, the jurors revealed that official records in the Jack Kirschke murder case also are "incomplete, inadequate, confusing and, in some instances, simply missing."

Kirschke is the former county prosecutor convicted of murdering his wife and her paramour.

It also has been learned, but not reported by the grand jury, that possible key evidence in several other criminal cases may also be missing.

Specific details on what records or other evidence are missing in the Kirschke and other cases were not available.

Some Reservations

In addition to the Sirhan case—and the allegations of irregularities in the ballistics investigation — the grand jury said that because exhibits in the care of the clerk's office were "handled, examined and photographed by unauthorized persons and mishandled by county clerk exhibit personnel" it had some reservations about the present "integrity" of that evidence.

Sharp, contacted before he received a copy of the letter, said he had cooperated fully with the grand jury and that he had promised the panel he would take any disciplinary action deemed necessary.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

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Declines Comment

Later Tuesday, Sharp declined any further comment until he could make a complete study of the grand jury's report.

Meanwhile, the Board of Supervisors ordered an investigation by a special task force to be headed by Arthur G. Will, the county's chief administrative officer.

Board Chairman Warren M. Dorn announced the appointment of Will and ordered the investigation after a telephone conference with a majority of board members.

He said Will's task force was directed to "investigate the organizational structure, safeguards, management practices, competency and adequacy of the upper and middle management personnel of the county clerk's office, giving particular attention to the criminal division (of the clerk's office).

"This order was made without prejudice to or in any way prejudging the merits of the charges.

"The instruction was for a vigorous investigation and a report back to the board at the earliest possible time to make certain the essential services are being provided to the court and the interests of the people of the county of Los Angeles are being safeguarded."

After the grand jury's letter was hand-delivered to the clerk of the Board of Supervisors, Epstein and Planje obtained from Superior Judge Richard F. C. Hayden an order which in effect makes all the testimony heard by the grand jury in the case public.

Hayden directed that a transcript be prepared and that copies be made available to the Board of Supervisors, district attorney's and clerk's offices and the U.S. Department of Justice.

Epstein said the grand jury believes the testimony taken in the case is of sufficient importance that to keep it sealed would not be in the public interest.

The court orders allegedly violated by the clerk's office were issued on June 7, 1968—two days after Kennedy was shot at the Ambassador—and on May 20, 1969, by Superior Judges Arthur L. Alarcon and Herbert V. Walker, who has retired.

Talmachoff is said to have been present at conferences during which the orders were explained and discussed.

Some of the court orders, according to the grand jury, were not observed and others were ignored or diregarded. Jurors said this included much of the key ballistics evidence now being questioned.

Sharp is reported to have testified before the grand jury that he was not aware of Walker's order until June of this year.

Commenting on this, jurors said Sharp failed to maintain effective communication between himself and his subordinates . . . "in a unique case of historical importance."

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable," the jurors said.

Warnings Unheeded

The grand jury also noted that Sharp failed to heed the warnings and recommendations of the 1968 panel.

The present jury said that crowded conditions within the clerk's office "cannot be an excuse for mismanagement."

The 1968 panel suggested that "accelerated attention" be given to the problems of inadequate facilities and said controls over the handling and transfers of exhibits need tightening.

In its letter to the supervisors, the grand jury asked that attention be given to other divisions of the clerk's office because of "the performance of upper management" in the criminal division's handling of the Sirhan matter.

UNDER FIRE — County Clerk William Sharp, assailed in handling of slaying evidence.

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Sirhan Evidence Said Missing

Dep. Dist. Atty. Richard Hecht has disclosed that some copies of documents used as evidence during the trial of Sirhan Bishara Sirhan are missing.

Hecht made the statement yesterday shortly after a Los Angeles County Grand Jury ended a five-day secret hearing into possible tampering of evidence connected with the trial of the man convicted of murdering the late Sen. Robert F. Kennedy.

"Certain copies of exhibits used during the trial are unaccounted for by the County Clerk's Office," Hecht said. He refused to go into further detail.

The Grand Jury "has not been asked to indict anyone" in connection with the possible evidence tampering, he said.

"The jury could decide to report on their findings within a short time," Hecht said. "Or they could decide to wait until their year-end report before making recommendations to the county."

Grand jurors decided to tour the County Clerk's Office in order to acquaint themselves with the office layout, the investigator said.

Earlier this month, Dist. Atty. Joseph P. Busch Jr. asked for the probe because of what he feared was evidence of tampering with the fatal bullets and the death weapon.

The question of tampering arose after police ballistics expert DeWayne Wolfer was accused of violating procedure in investigating Kennedy's death.

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Sirhan Case--Was There a 2nd Gunman?

Gun-Tampering Inquiry May Have Bearing on Kennedy Killing Theory

BY DAVE SMITH
Times Staff Writer

Last May 28, attorney Barbara Warner Blehr accused criminalist DeWayne A. Wolfer of errors and violations of procedure in the ballistics investigation of three major murder cases in which three men now await execution, including Sirhan Bishara Sirhan for the assassination of Sen. Robert F. Kennedy.

Mrs. Blehr raised a question whether a second gunman might have fired at Mr. Kennedy in the Ambassador pantry on June 5, 1968. She asserted that Wolfer had violated four standard precepts of procedure in investigating Kennedy's death and said he committed other errors as an expert witness for the prosecution in the capital convictions of Doyle A. Terry and former Dep. Dist. Atty. Jack Kirschke.

Calls Charges a "Vendetta"

On June 1, Police Chief Edward M Davis dismissed Mrs. Blehr's charges as a "vendetta" against Wolfer, acting head of the LAPD crime laboratory, and said Wolfer "in my estimation is the top expert in the country."

Dist. Atty. Joseph P. Busch Jr., appointed as new head of the office that had prosecuted Sirhan as the lone gunman in the Kennedy case, suggested that inconsistencies in Wolfer's testimony might be verbal and/or clerical errors.

On June 4, still of that frame of mind, Busch nonetheless announced his office would investigate Mrs. Blehr's claims—rather than leave the LAPD to probe one of its own—and would give the results in about two weeks.

On June 18, Busch announced a June 28 news conference to release his findings.

On June 24, he postponed it to July 6, to enable investigators to further question witnesses.

On July 2, Busch again postponed the news conference—this time indefinitely.

Pressed for an explanation, he said his office was "terribly concerned" over evidence that since Sirhan's trial the fatal bullets and murder weapon in the Kennedy case might have been tampered with.

Before investigation of Mrs. Blehr's charges could be completed, he said, a subsidiary probe would have to determine whether the crucial exhibits had been "contaminated"—and to what degree—before or after the analysis on which her accusations were based.

Last Wednesday Busch announced that the question of evidence tampering will be laid before the County Grand Jury today.

There is evidence, a spokesman said, that exhibits were so carelessly handled by the county clerk's office that they might be useless in future court action on Sirhan's automatic appeal of the death sentence.

More to the immediate point, they also would be useless in determining the truth or falsity of Mrs. Blehr's specific allegations and the major premise they imply: namely, that an overlooked second gunman may have been Kennedy's real murderer, and that Sirhan may have been condemned for a killing he admittedly attempted but perhaps did not actually commit.

Wolfer, whose expected July 1 appointment as permanent head of the crime lab has not yet materialized, filed a $2 million defamation suit July 23 against Mrs. Blehr and 15 John Does.

County Clerk William G. Sharp, whose office was accused by Busch of ignoring court orders in allowing at least 13 "unauthorized" persons to view and handle Kennedy exhibits, denies any violation of procedure by his staff.

Meanwhile, The Times has learned, several persons in Sharp's office have been given lie detector tests in connection with their handling of exhibits in criminal cases other than the Kennedy slaying.

Thus — pending the grand jury's investigation —the Blehr case remains a standoff, more than two months after it was expected to be summarily laid to rest.

But in a sense, the Blehr-Wolfer controversy is merely the salad, while the entree involves deeper questions—in themselves not touched on by Mrs. Blehr, but voiced by at least two of the John Does included with her in Wolfer's suit.

Mrs. Blehr's claims, contained in a letter to the Civil Service Commission, were based on the private ballistics investigation of veteran criminalist William W. Harper of Pasadena, who has testified as a forensic expert for both the prosecution and defense in noted local trials for more than 35 years.

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Carpenter's work also served to support a court action that more directly tackled the "second gunman" theory—the June 25 complaint for disclosure of information filed by attorney Godfrey Isaac on behalf of freelance investigative journalist Theodore Charach. He charged that city officials deliberately had suppressed certain evidence in the Kennedy slaying and covered up inadequacies in the original investigation.

The Times also has learned that even since the question of possible tampering with the Kennedy exhibits arose, Busch's office has continued to question persons who have nothing whatever to do with those exhibits or the question of Wolfer's performance of his job.

Some are persons whose names were brought into the Kennedy case by Charach, and who for three years have told another version of the events of the night of June 5, 1968.

Former TV Newsman

One is former KNXT television newsman Donald L. Schulman, who witnessed Kennedy's assassination and told of seeing another person firing a weapon in the pantry, but who—oddly—was briefly questioned only once in the months leading up to Sirhan's trial and never was called as a witness.

His first intensive interview with any investigative agency was on July 23 of this year.

Another belated witness was Charach, who told the Times:

"If it's true the district attorney can't make any decision on the Blehr thing until this tampering question is settled, then why are they still following this other track? I think the whole thing about tampering is a red herring."

It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people has appeared to be an open-and-shut political murder case.

Charach, a native of Winnipeg whose low, resonant voice kept him in jobs as a radio and film commentator, has devoted his entire time since Kennedy's death to the belief that an overlooked second gunman actually fired the fatal bullet, using Sirhan's first two pistol shots as cover for his own fire.

A nation made weary and skeptical of alternate theories, in the wake of the Garrison investigation of President John F. Kennedy's 1963 assassination, greeted Charach's labors with scant enthusiasm.

Except for exposure in the underground press, Charach generally was dismissed as yet another of the new breed of conspiratorial demonologist, sincere but misguided.

Charach admits he gets emotional and even a bit obsessive about his probe and its frustrations.

"Look," he says, "this is all I've thought about for more than three years. I know I sound like Johnny One-Note, but I'm proud of my work and I just want the truth to come out, whatever it is."

"But the American people aren't going to get anything more than the official version until a few more questions are asked—and asked by the right people, people influential enough to demand answers."

On June 4, 1968, Charach was working on a freelance documentary on Robert Kennedy's meteoric rise to presidential contention on the heels of a smashing California primary victory.

As Kennedy concluded his victory speech and was ushered through a rear pantry toward another crowded ballroom, Charach was swamped in the crush behind the podium.

Thus he was outside the pantry when a few little popping noises—someone said "like a string of firecrackers"—took Kennedy out of the race.

Charach clawed his way inside the pantry to find a panicked crowd — some wounded, the rest shocked—and a knot of people with their attention focussed on the subdued Sirhan.

A security guard slipped out the swinging doors to keep the ballroom crowd from bursting into the bloody pantry.

In the chaotic hours following the shooting, Schulman, now 28, was quoted as saying he saw a security guard fire his weapon. KNXT newscaster Jerry Dunphy broadcast that Schulman told him "Kennedy's bodyguards fired back, the suspect (Sirhan) was shot in the leg . . . Kennedy was shot three times . . ."

Schulman's account was carried worldwide by United Press International, which said, "Schulman, who witnessed the shooting, said the gunman was shot by Kennedy's bodyguards."

Schulman repeated his version in an interview with Jeff Brent, general manager of Continental News, a division of the Sherman Oaks-based Continental Recordings.

About a week later, Schulman told his story to police, in a brief interview that was never followed up.

And from that day until last July 23, Schulman was not heard from publicly again.

But Charach found him. Charach talked to Brent, and traced down Schulman, who evidently then believed that the "bodyguard" was firing at Sirhan rather than Kennedy.

Charach also talked with Karl Uecker, the Ambassador's maitre d' who was leading Kennedy, his left hand in the senator's right, through the narrow pantry and who quickly threw a headlock on Sirhan when the shooting began.

Uecker insists to this day that Sirhan fired his first two shots from Uecker's own right side and from in front of Kennedy, that he got Sirhan in a tight headlock after the second shot and that Sirhan never got near enough to Kennedy to inflict the near-point-blank, upward-traveling, back-to-front head wound that killed him.

In Sirhan's trial, the jury was told in summation that Uecker probably miscounted, stopping Sirhan after the fourth shot.

Uecker says today he was not mistaken, that Sirhan was captive after the second shot and that

far away in any case on the first two.

Then Charach went after the "bodyguard."

Kennedy, a fatalist about possible danger, traveled with only one professional security man — William Barry, a close friend and former FBI agent.

To protect itself, the Ambassador hired extra guards on its own that election night, from the Ace Guard Service. There were seven men—some moonlighting after their daytime jobs—who provided their own uniforms, insignia and sidearms.

One was assigned to the pantry and was just inside the swinging doors when Uecker and the Kennedy party burst in. The guard fell in with them, just behind Uecker and Kennedy, slightly to the right, as the senator walked down the pantry, alternately shaking the hands of the kitchen help and letting himself be led by Uecker, drawing closer to where Sirhan stood.

In the days following Kennedy's death, the guard was interviewed by the police and the FBI.

He said that as the shooting began, he was jostled and knocked down, backward, against an ice machine. He said he never saw the gunman's face, only an arm with pistol attached and spurting red flame.

But his accounts conflicted slightly each time on the point of whether he went for his gun or actually ever got it out of the holster. Once he said he drew his gun and moved toward the fallen senator. Another time: "I reached for mine but it was too late . . ."

One official noted recently:

"The guy's stories didn't jibe. He told conflicting accounts, and it seemed obvious he hadn't really seen anything. He really had nothing to tell us."

Because of the variances in his story, the guard was dropped from any further questioning, his credibility questioned by officials who felt he was trying to inject himself into a sensational case he really knew little about.

There is no record of any effort made — nor any thought entertained — to determine whether those variances arose from his effort to conceal something rather than fabricate it. His gun was never examined. The subject never arose.

Whatever might be said of this in light of the present controversy more than three years later, it should be remembered that Sirhan had, after all, been captured on the scene, in the very act of firing.

And in the first days and weeks after his capture, there had been no substantial evidence that he was anything but a loner, bent on motives solely his own.

But in his book on the investigation, "Special Unit Senator," former Chief of Detectives Robert A. Houghton, now with the attorney general's office, wrote in early 1970:

"On July 16, 1969, I held a final Special Unit Senator meeting asking 10 last questions . . . to the absolute possibility of any person with right-wing connections being in the kitchen or pantry the night of June 4-5, 1968 . . . Within a week, all of them had been answered satisfactorily."

Houghton concedes today, but says he does not believe, that his information may have been incomplete and that his investigators may have missed one—the security guard dismissed and forgotten so long before.

Charach found him on Oct. 7, 1969, living and working in the San Fernando Valley.

More than a year after the event, Charach said, the guard talked easily and affably and "made no bones of his political beliefs."

Those, Charach said, ranged from support of Alabama Gov. George C. Wallace for President, to a hatred for the Kennedy family for allegedly giving everything to black people, to a belief that a race war was imminent.

The guard said he had had a .22-caliber pistol just like Sirhan's that night, Charach reported. It was a built-up, "modified" gun with a larger barrel and could fire nine shots. He once fooled a friend, asking how many shots it might fire. Then later he sold the gun "to a friend," Charach said.

Reenacts Role

And Charach said the guard reiterated the tale he had told officers more than a year before, this time without the telltale hesitations, about how he had actually drawn his gun that night, even acting out his motions.

The guard said enough that, coupled with what he had heard from Schulman and others, Charach was convinced that the whole story had not been told about the night Kennedy died.

He began to document his findings into an alternate theory of the assassination, ultimately collaborating with French journalist Gerard Alcan in a documentary film recreation called "Who Killed Robert Kennedy?"

But for nearly a year Charach's theory was dismissed as a fabric of coincidence and stretched possibilities. Ultimately, several officials refused to grant him any more interviews.

In July, 1970, Charach laid his theory before Grant Cooper, chief defense counsel in Sirhan's trial. Cooper heard him out and referred him to ballistics expert Harper, whom he had known professionally for years and who, Cooper had recently learned, had begun his own informal check of the ballistics findings in the Kennedy case.

Harper had begun his work after reading Houghton's book and being puzzled at an apparent inconsistency over a slug too large to have come from Sirhan's small revolver.

In the first of what was to become many visits to the criminal exhibits section of the county clerk's office, Harper found that the "large" slug was merely a flattened .22 bullet. But he found other things.

After many months of testing, weighing, photomicrographing and comparing the actual evidence bullets with test slugs fired later by Woner, as

well as studying Coroner Thomas T. Noguchi's massive autopsy report on Mr. Kennedy, Harper developed these essential criticisms of Wolfer's work, and hence the foundation stone of the official investigation:

—At least two of the bullets removed from the pantry—one from Kennedy's body, the other from wounded ABC newsman William Wiesel — don't match each other and thus could not have been fired by the same gun.

—Bullets from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" — usually the investigator's initials—to serve as guideposts in lining up the points where bullets match indicated that Wolfer matched the bullets down to class characteristics but not as far as individual characteristics.

—There is a difference of 14% in the rifling angles of the two bullets—again pointing to the conclusion that they came from different guns.

Harper's criticism continued:

—While the bullets don't match each other, neither does either one match any of the three bullets contained in an envelope labeled Exhibit 55. It purports to contain three test bullets fired from Sirhan's gun after his arrest. But the serial number is given as H18602, while the serial number of Sirhan's gun was H53725.

—Wolfer later explained that the second gun, H18602, was borrowed from the county clerk's criminal evidence section, from a group of guns slated to be destroyed, as old evidence weapons are, periodically, each year. Wolfer said he borrowed it on June 10, 1968, at a time when Sirhan's gun was before the County Grand Jury and not accessible to him without a court order. But the evidence slip on Exhibit 55, containing the three bullets fired from it, states in Wolfer's handwriting that H18602 was test-fired on June 6, the very day Kennedy died. Sirhan's gun did not become a grand jury exhibit until June 7.

—There actually are no test bullets in evidence fired from Sirhan's own gun, H53725, but only test slugs from the now-destroyed, borrowed gun, H18602.

Harper also claims:

—At the Sirhan trial, it was concluded that union leader Paul Schrade, behind Kennedy, was hit in the forehead by a bullet that went through the shoulder pad of Kennedy's coat. That would have had to be a westbound shot from in front of the two men. But lab analysis of Kennedy's coat revealed that the hole through the shoulder pad was a back-to front, eastbound shot, as Wolfer himself testified, with the bullet lodging in the ceiling and never being recovered.

Scientific Support

—Weighing of the remaining bullet fragments taken from Kennedy and the five wounded accounts satisfactorily for eight separate bullets — as many as Sirhan's gun could fire — but still leaves out a possible ninth, that unrecovered, eastbound bullet that went through Mr. Kennedy's shoulder pad.

The implications of Harper's investigation are unsettling to law enforcement officials who sincerely believed they had an airtight prosecution signed, sealed and delivered in the Kennedy case, with none of the nagging questions that attended the Garrison probe of President Kennedy's death.

But Harper's work was gratifying to Charach, who after two years was finding himself generally regarded as a crank. Now his theory had some scientific support.

Harper wrote to Charach;

"Multiple-gun shootings are not a rarity in police work . . . The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts.

"The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria.

"The well established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution and, unfortunately, an erroneous over - simplification."

While Mrs. Blehr used Harper's findings as the basis of her effort to block Wolfer's forthcoming appointment, attorney Godfrey Isaac used it, along with Charach's thesis, as the basis of a complaint for full disclosure of information on the Kennedy investigation.

Isaac recently became co-counsel with Luke McKissack in Sirhan's automatic appeal of his death sentence, and thus no longer represents Charach, who has engaged other attorneys to press his complaint. But Isaac, as Sirhan's attorney, says he is convinced of the validity of Charach's and Harper's work and will use it to the fullest in the appeal.

Mrs. Blehr's attack on Wolfer also remains in limbo, shadowed by the forthcoming grand jury probe of alleged tampering with the Kennedy exhibits.

Much hinges on the outcome of that probe and whether it ever can assess the true nature and degree of tampering. Thereby hangs the larger question: whether the validity of Charach's and Harper's claims can ever be tested at all.

Charach, himself subpoenaed to appear before the jury on Wednesday, says he is skeptical about the investigation and its likely result.

"I think," he said in an interview, "they're just going to say the exhibits are so badly messed up that any further investigation is impossible. We may never hear the truth about it, but I promise you, we'll never hear the end of it."

FD-350 (Rev. 7-15-63)

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irhan Case 'robe Opens

The Los Angeles County rand Jury began taking stimony Monday on ridence from the district ttorney's office that exhibits in the Robert F. Kenedy assassination have een tampered with while a custody of the County lerk.

Appearing first as witnesses in a projected hree-day probe were Superior Judge Arthur Alarwidence in the case gainst convicted gunman irhan Bishara Sirhan, and etired Superior Judge Herbert V. Walker, who resided over the trial and ssued an order sealing the xhibits.

Testimony was also taken from Chief Dep. Dist. Atty. John Howard and Superior Judge David N. Fitts, who was a deputy district attorney during the Sirhan trial.

The key witness Monday was Peter Talmachoff of the county clerk's office, who appeared carrying a large box containing the controversial exhibits. Talmachoff was the sole witness throughout the afternoon session and was ordered to return today.

(Indicate page, name of newspaper, city and state.)

II-4 Los Angeles Times
Los Angeles, Calif.

Date: 8/17/71
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Author:
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Submitting Office: Los Angeles

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AUG 17 1971
FBI — LOS ANGELES

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FD-350 (Rev. 7-18-63)

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Sirhan Did Not Shoot Kennedy, Convicted Man's Lawyer Says

Attorney Godfrey Isaac said Tuesday he did not agree that Sirhan Bishara Sirhan fired the shot that killed Sen. Robert F. Kennedy on June 5, 1968.

Isaac, named Monday as new defense counsel for the condemned Palestinian, said he did not contest that Sirhan was armed and fired shots in the Ambassador pantry that night.

But, Isaac said, new evidence has arisen that points to the existence of a second gunman, unrelated to Sirhan, who used Sirhan's gunshots as a cover for his own and actually fired the fatal bullet, while Sirhan's straying gunfire wounded five other persons.

The Times quoted Isaac Monday as saying he did "not contest the fact that Sirhan killed Kennedy." Isaac said this was contrary to the view he has espoused for more than a year.

Isaac is the attorney who filed a complaint for disclosure of information June 25, on behalf of investigative journalist Theodore Charach, who has charged that evidence pertaining to the second gunman theory either has been withheld or insufficiently investigated.

Charach's theory, supported by Pasadena criminalist William Harper, also has served as the basis of an affidavit by attorney Barbara Warner Blehr, who in May charged Los Angeles Police Department criminalist DeWayne Wolfer with violations of procedure in his ballistics probe of the Kennedy slaying.

Those charges still are under investigation by the district attorney's office.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

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Sirhan Gun Claim Nets Suit

Los Angeles attorney Barbara Warner Blehr has been sued for $2 million in a defamation suit filed by a Los Angeles police expert she accused of violating proper procedures in the ballistics investigation of the Robert Kennedy assassination.

Police ballistics specialist DeWayne Wolfer filed the suit in Superior Court yesterday through attorney John T. La Follette.

The suit charged that Mrs. Blehr's May 28 letter to the city Personnel Commission, intended to block Wolfer's appointment as crime lab chief, was a "malicious unjustified publication of defamatory and untruthful accusations."

The suit said Mrs. Blehr had "full knowledge" the accusations were false, but still conspired with 15 unknown persons to defame Wolfer's character.

Mrs. Blehr's letter, and a lawsuit charging the Police Department and District Attorney's office with withholding the full facts of Senator Kennedy's assassination, sparked an investigation by District Attorney Joseph P. Busch Jr.

The D.A.'s investigation so far has resulted in charges that the Sirhan B. Sirhan murder trial evidence has been tampered with since the jockey-sized Palestinian refugee was convicted and sentenced to death for slaying the senator July 4, 1968, in the pantry of the Ambassador Hotel.

The suit which alleges cover up of assassination facts was filed by attorney Godfrey Isaac in behalf of a freelance writer who claims Sirhan is innocent.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
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JUL 26 1971
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FD-350 (Rev. 7-16-63)

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Sirhan Trial Evidence Tampering' Suspected

Dist. Atty. Joseph P. Busch Jr.'s office Sat-day expressed "grave concern" over possi-e "tampering" with evidence used to convict rhan Bishara Sirhan of the June 5, 1968. urder of Sen. Robert F. Kennedy.

Busch named no names in a statement out-ing his investigation "to determine whether ere has been any intentional or unintentional mpering with the key exhibits . . . includ-g the murder weapon and bullets taken from e body" of the New York senator.

But Busch said his office learned a court der "protecting the exhibits has been ig-red and that the exhibits have not been prop-ly protected by the County Clerk's Office."

There was no comment immediately avail-le from County Clerk William G. Sharp.

A spokesman from Busch's office said the unty clerk had custody of the exhibits from e conclusion of the trial that sent Sirhan to m Quentin's death row, where he awaits ex-ction, until about four months ago when the idence was turned over to the clerk of the ate Supreme Court.

"It is during this period," the spokesman id, "that we have grave concern that unau-rized persons may have had access to the hibits, particularly the weapon identified as e gun with which Kennedy was killed."

Busch's announcement explained for the st time why he indefinitely delayed a sched-ed July 6 statement concerning charges that oper procedures were "violated" in the bal-tics investigation of the Ambassador Hotel ssination.

Busch referred to charges made May 28 by attorney Barbara Warner Blehr against Los Angeles Police Dept. criminalist DeWayne Wolfer, a ballistics expert.

Burch announced a week later his office "would conduct an independent investigation of the charges . . . so there would be no loss of confidence on the part of the public as to whether the facts presented in the courtroom were correct.

"Because the original exhibits were protected by a court order which would prevent their being directly handled," he said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of the . . . charges against Mr. Wolfer.

"However, we have had to delay our findings after learning that this court order . . . has been ignored and that the exhibits have not been properly protected . . . Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Busch promised to "make a full report to the public" and to "take appropriate action" at the end of the investigation.

"We are still confident . . . that the original investigation was thorough and that the subsequent trial outcome was valid," the district attorney said.

"Our concern now is whether there has been any violation of the integrity of the exhibits. We are terribly concerned about the possibility they have been tampered with."

Kennedy was cut down by an assassin's bullets in a hotel corridor moments after he jubilantly acknowledged his victory in the 1968 California Democratic Presidential preference primary.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

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JUL 1 1971
FBI — LOS ANGELES

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FD-350 (Rev. 7-18-63)

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SIRHAN EVIDENCE MISHANDLED: D.A.

Exhibits from the trial of convicted assassin Sirhan Bishara Sirhan "have not been properly protected . . . (and) have been directly handled by numerous persons," Dist. Atty. Joseph P. Busch Jr. said today.

Busch said his findings have sidetracked his initial investigation into charges that ballistics evidence that helped convict Sirhan of the June 5, 1968, assassination of Sen. Robert F. Kennedy resulted from improper procedures.

"We currently are in the midst of an investigation to determine whether there has been any intentional or unintentional tampering with the key exhibits involved in the trial—including the murder weapon and the bullets taken from the body of Sen. Kennedy."

Sirhan currently is a prisoner on San Quentin's death row for the Ambassador Hotel murder that occurred moments after Kennedy had claimed victory in the 1968 California Democratic presidential preference primary election.

Busch said his initial post-trial investigation stemmed from "certain charges against Los Angeles Police Dept. criminalist DeWayne Wolfer, including the allegation he was guilty of violating proper procedures in the ballistics investigation . . .

"Because the original exhibits were protected by a court order which would prevent their being directly handled," Busch said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of (the) charges against Mr. Wolfer.

"However, we have had to delay our findings after learning that this court order protecting the exhibits has been ignored . . . The exhibits have not been properly protected by the County Clerk's Office.

"Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Although Busch expressed "terrible concern about the possibility that they (exhibits) have been tampered with," he said, "we still are confident at this point that the original investigation was thorough and that the subsequent trail outcome was valid. Our concern now is whether there has been any violation of the integrity of the exhibits."

The district attorney promised "appropriate action and . . . a full report to the public" at the conclusion of the investigation.

(Indicate page, name of newspaper, city and state.)
A-1

Herald-Examiner
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FD-350 (Rev. 7-16-63)

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inding Due in Sirhan Probe

Dist. Atty. Joseph P. Busch Jr. announced Friday that findings of his office in an investigation of alleged ballistics test irregularities in the Sirhan Bishara Sirhan case would be made public June 28.

The probe was prompted by a letter from attorney Barbara Warner Blehr to the City Civil Service Commission in an effort to block the scheduled permanent appointment of DeWayne Wolfer as head of the Police Department Crime Laboratory.

Busch said statements had been taken from 11 persons, including Mrs. Blehr. He also said he would announce whether a new ballistics test would be conducted with Sirhan's weapon.

(Indicate page, name of newspaper, city and state.)

Part II
p.10 Los Angeles Times
Los Angeles, Calif.

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FD-350 (Rev. 7-16-63)

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Security of Sirhan Evidence Defended

County Clerk Says He Has Discovered No Tampering

BY DAVE SMITH
Times Staff Writer

No evidence of tampering has been found nor have unauthorized persons been permitted to handle key exhibits from the Sirhan Bishara Sirhan murder trial, Los Angeles County Clerk William G. Sharp asserted Tuesday.

Sharp made his conclusions after reviewing strict security measures he said were employed to protect trial material in custody of his office.

In a letter to the Board of Supervisors, Sharp offered his "complete cooperation" with the district attorney's office in a probe of possibilities that evidence in the assassination of Sen. Robert F. Kennedy—including the fatal bullets, murder weapon and the senator's coat—may have been tampered with since Sirhan's conviction.

Sharp conceded that the exhibits have been viewed, but said he has no evidence that anyone but attorneys connected with the case, or their agents, have had the opportunity to handle the key exhibits themselves.

"It's absolutely true the exhibits have been available," Sharp said, "and everybody had a right to see them—the press and everybody else. It's a question whether they had access to certain 'hard' exhibits.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

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After the Sirhan trial concluded, Superior Judge Herbert V. Walker ordered certain key exhibits "sealed" by a court order. But, Sharp said, the court order permitted "counsel of record" and attorneys for both the prosecution and defense, as well as agents for those attorneys, access to the crucial exhibits.

Sharp said a list of persons asking to examine the exhibits has been kept by his office. He estimated that several dozen names were in the records. Among them, he said, were those of Luke McKissack, Sirhan's defense counsel in his automatic appeal before the Supreme Court, and William Harper, criminalist and ballistics expert who has contended that ballistics work in the original investigation was done improperly. Sharp said Harper was granted access as an agent of McKissack.

'Strictest Security'

Sharp told the supervisors:

"At the outset of the case I instructed the criminal division of my office to provide the strictest security to Sirhan exhibits, and I personally inspected the security measures which were instituted.

"Prior to the trial, the exhibits were held in a walk-in vault to which only exhibit clerks had access—and within a safe within that vault to which only the chief, the assistant chief and the supervisor of exhibits had access.

"During the course of the trial the exhibits were transferred to the courtroom where they were given special security by the courtroom clerk. At the conclusion of the trial the exhibits were transferred back to the vault and placed under special security."

Breach Possible

Sharp admitted that special security could have been breached in the Sirhan evidence, but said he has no knowledge of it. In normal cases, he said, the public is entitled to view evidence in any case where no court order forbids it. But even then the evidence is restricted to an area kept under close surveillance.

Dist. Atty. Joseph P. Busch Jr. revealed over the weekend that his office was "terribly concerned" over evidence that the fatal bullets and the gun in the Kennedy case might have been deliberately or inadvertently tampered with.

This possibility could obscure an earlier investigation into charges that ballistics work in the Sirhan trial violated scientific procedure.

Those charges, based on Harper's private investigation, were lodged by attorney Barbara Warner Blehr in an effort to block the appointment of police criminalist DeWayne Wolfer as head of the Los Angeles Police Department crime lab.

Harper and Mrs. Blehr have questioned whether there might have been a second gunman firing at Kennedy in addition to Sirhan—a question which only ballistics investigation conceivably could support.

Sharp told the supervisors that his office has more than 160,000 criminal exhibits on hand at any given time and takes in about 50,000 each year.

FD-350 (Rev. 7-16-63)

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Clerk's Office Hit on Sirhan Case Evidence

BY DOUG SHUIT
Times Staff Writer

The weekend disclosure that evidence in the Robert F. Kennedy slaying may have been altered led Monday to developments which focused attention on the Los Angeles County Clerk's Office.

The developments were:

—An order to County Clerk William Sharp to inspect his office for possible security breaches, to revaluate its control system and to inventory exhibits and transcripts from the Sirhan Bishara Sirhan trial.

—A statement by Sharp that a personal investigation has "failed to disclose any mishandling" of key exhibits, although there are "still some stones unturned."

Polygraph Tests

—The revelation by an aide to Dist. Atty. Joseph P. Busch Jr. that "some employes of the clerk's office are being given lie detector tests.

Busch said last week his office was "terribly concerned" over evidence that the fatal bullets and murder weapon in the assassination had been tampered with.

He also said he and his staff are investigating "evidence that exhibits have been directly handled by numerous persons," a violation of a court order sealing them.

The clerk's office was charged with maintaining the integrity of evidence in the Sirhan trial pending an appeal.

The order to Sharp came from Supervisor Kenneth Hahn, who oversees the operation of the County Clerks Office.

Hahn also directed the county's chief administrative officer, Arthur G. Will, to determine if the clerk's office needs additional precautionary equipment.

Busch's aide, in revealing that some employes of Sharp were being asked to take polygraph examinations, declined to identify the employes or specify the number.

In his disclosure last week, the district attorney did not say whether he considered the possible tampering intentional or unintentional.

However, he stressed it complicates an earlier investigation into claims that ballistics work in the Kennedy case was improper and that a second gun may have been fired in the rear pantry of the Ambassador where the late President's brother was mortally wounded June 5, 1968.

Extensive tampering might make it impossible to either prove or disprove these contentions.

(Indicate page, name of newspaper, city and state.)

II-3 Los Angeles Times
Los Angeles, Calif.

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What does article say?

FD-350 (Rev. 7-16-63)

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Sirhan's Records Sealed

County Clerk William G. Sharp today sealed all county records dealing with Sirhan B. Sirhan's assassination trial and said he will open documents and exhibits only by order of the Chief Justice of the State Supreme Court.

Sharp acted in the wake of weekend criticism surrounding possible mishandling of exhibits used in the trial of Sirhan, who was convicted of the 1968 slaying of U.S. Sen. Robert F. Kennedy in Los Angeles.

An investigation into the charges is under way by Dist. Atty. Joseph P. Busch Jr.

Sharp said he has found no evidence of "improper handling" and stressed he is cooperating with the district attorney's office in the probe. He noted, however, several members of his office staff have been given lie detector tests.

The county clerk's office is responsible for preserving the "integrity" of all exhibits used in civil and criminal cases in the county.

Stored in the Hall of Records are some exhibits dating to the 1920s, said Sharp, which are kept as long as there is any activity possible in a case.

"The tightest security is always given to cases involving men on death row, such as Sirhan," said Sharp.

In another development, Supervisor Kenneth Hahn, chairman of the County Clerk Department, ordered a full report from Sharp on the controversy as well as a reevaluation of exhibit controls.

Hahn also ordered County Chief Administrative Officer Arthur G. Will to study the possibility of providing extra precautionary equipment to the department to keep accurate records of transcripts and exhibits.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

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FBI — LOS ANGELES

FD-350 (Rev. 7-16-63)

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Sirhan Innocence Claimed n 'Second Gun' Dispute

Findings in the probe of the econd gun" controversy surnding the assassination of n. Robert F. Kennedy will not released until July 6.

Dist. Atty. Joseph P. Busch id yesterday that the results the investigation, which were be announced Monday, would delayed so that a key witness uld be interviewed.

Meanwhile, a suit filed in Suprior Court yesterday charges at convicted assassin Sirhan shara Sirhan is "innocent" of ennedy's murder.

Accused in the suit, filed by Horney Godfrey Isaac on bealf of freelance writer Theore Charach and all other Calirnia residents, are Mayor am Yorty, Police Chief Edrd M. Davis and other law forcement officials who, according to the suit, suppressed evidence which shows Sirhan not to be the killer of Kennedy in the Ambassador Hotel pantry Feb. 5, 1968.

Busch's investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the Sirhan trial.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test-fired from another weapon were identified in court as matching slugs taken from the slain senator and witnesses who were wounded.

Mrs. Blehr has been charged with starting the investigation to block the appointment of Dewayne Wolfer, who carried out the ballistics tests and testified at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Chief Davis has defended Wolfer, however, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

(Indicate page, name of newspaper, city and state.)

A-7 Herald-Examiner
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Quiz Key Witness In RFK Gun Row

Dist. Atty. Joseph P. Busch Jr. has delayed results of an investigation into the "second gun" controversy in the assassination of Sen. Robert F. Kennedy so a key witness can be interviewed.

The findings, which were to be released next Monday, will not be announced until July 6, Busch said yesterday.

The investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the trial of convicted assassin Sirhan B. Sirhan.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test fired from another weapon were identified in court as matching slugs taken from the slain senator and witnesses who were wounded.

The accusation began a controversy over whether someone other than Sirhan was involved in the assassination at the Ambassador Hotel.

It has been charged that Mrs. Blehr launched the investigation to block the appointment of Dewayne Wolfer, who carried out the ballistics tests and testified at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Police Chief Edward Davis has defended Wolfer, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

(Indicate page, name of newspaper, city and state.)

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Sirhan Gun Test Results Held Up

Results of a special inquiry into alleged ballistics test irregularities at the Sirhan B. Sirhan trial will not be released until July 6 in order to enable investigators to take a statement from a key principal in the case, Dist. Atty. Joseph P. Busch Jr. announced. Findings originally had been scheduled for release Monday. The charges recently were contained in a letter written by attorney Barbara Warner Blehr in an effort to block the appointment of criminalist DeWayne Wolfer as permanent head of the Los Angeles Police Department crime laboratory. Wolfer was a prosecution witness at Sirhan's trial for the slaying of Sen. Robert F. Kennedy.

(Indicate page, name of newspaper, city and state.)

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FD-350 (Rev. 7-16-63)

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Busch Plans Kennedy Ballistics Test Inquiry

Dist. Atty. Joseph P. Busch Jr. said Friday he and his chief aide would personally investigate charges that a Los Angeles Police Department criminalist violated proper procedures in the ballistics investigation of Robert F. Kennedy's assassination.

At the same time Busch warned those persons making the charges against DeWayne Wolfer, police ballistics expert, to be prepared to substantiate them.

He said he would be assisted by Chief Dep. Dist. Atty. John E. Howard. Howard was a member of the prosecution team in the trial of Sirhan B. Sirhan, convicted slayer of Kennedy.

The allegations originally were contained in a letter written by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the police crime laboratory.

Busch explained that he believes an investigation independent of the police is necessary because the charges involve a member of the department.

(Indicate page, name of newspaper, city and state.)

I-21 Los Angeles Times
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FD-350 (Rev. 7-18-63)

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Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH
Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wolfer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles I've done nothing wrong and I'll stand behind my work in a court of law."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal

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Los Angeles Times
Los Angeles, Calif.

Date: Saturday, May 29, 71
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SIRHAN CASE

Continued from First Page

listics investigation before making any comment.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 35 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

Gun Destroyed

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's charges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

Sentenced to Die

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation — of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."

FD-350 (Rev. 7-15-63)

(Mount Clipping in Space Below)

RFK gun probe

On June 6, 1968 Robert F. Kennedy was shot to death by a arty the state subsequently "proved" was Sirhan Sirhan. But st week Los Angeles attorney, Barbara Warner Blehr raised rious questions concerning the gun, which was used to assinate Kennedy.

In a letter to Mrs. Muriel Morse (Civil Service official), the .A. Times, Police Chief Ed Davis and U.S. Attorney Robert fever, Blehr questioned the competence of resident L.A.P.D. Ballistics expert" DeWayne A. Wolfer. Wolfer was recently ppointed head of the L.A.P.D.'s crime lab, and he is the same an who gave a ballistics report at the Sirhan trial.

The letter says that Wolfer's testimony in the Sirhan case lumber (two) indicates that bullets removed om Kennedy and two others were fired, not from the defen- ent's gun, but from another gun with the serial number 118602. The police, at this stage, have promised to investigate, nd have indicated that a "clerical" error may have been made ut the letter speaks well for itself.

Following are Blehr's letter and related correspondence in he form of affadavits and statements from attorneys representing Sirhan.

Mrs. Murriel M. Morse
General Manager Personnel Dept.
Civil Service Commission
Room 400, City Hall South
Los Angeles, California *Re: Appointment of De Wayne A. Wolfer*

Dear Mrs. Morse:

A request is hereby made by the undersigned for a hearing efore the Civil Service Commission as to the qualifications of he above named person to act as head of the Los Angeles Police Department Scientific Investigation Division Crime Laboratory.

It is my understanding that Mr. Wolfer is now acting head n a temporary basis for said laboratory, and that his appoint- ment is due to become final July 1st. My belief that M. Wolfer s completely unqualified for the position is supported by the llowing considerations:

(1) There are numerous fundamental precepts upon which he science of firearms identification is based. All criminalists nd firearms examiners must abide by the precepts and iscipline of their profession. Six of these precepts, which Mr. Wolfer has violated, are listed below:

Precept (1) The positive identification of an evidence bullet s having been fired from a particular gun and no other must e based on a comparison of the evidence bullet with a test ullet recovered from the same evidence gun and no other.

Precept (2) The most accurate andreliable determination of he approximate distance between muzzle and victim (ex- luding contact) based on powder pattern distribution must be ade with the actual evidence gun and no other. It is also im- ortant to use the same make and type of ammunition, referably from the same batch or lot number. (When the vidence gun is not available, a similar gun may be used but he validity of the test is always more questionable)

(Indicate page, name of newspaper, city and state.)

4 Free Press
Los Angeles, Calif.

Date: 6/11/71
Edition: Friday
Author:
Editor: Art Kunkin
Title:

Character:
or
Classification:
Submitting Office: Los Angeles
☐ Being Investigated

56-1564-4

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUN 15 1971
FBI — LOS ANGELES

b7c [redacted]

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between *different firearms manufacturers.*

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Precept (5) **CLASS CHARACTERISTICS** *as shown by the* rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population *of guns* having the same class characteristics.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

These precepts are expressions of basic common sense and are universaly accepted. They are truisms in the same sense, for example, that the assertion "a single blade of a plow can cut only one furrow as it moves over the ground" is a truism. The violations of the above precepts by Mr. Wolfer will be pointed out briefly in two of the three cases abstracted herewith.

(2) Case No. 1. SCNo. A222633) In this case Mr. Wolfer, testified he had made a positive identification of the defendant's gun as the murder weapon. In making this identification Mr. Wolfer produced in evidence enlargements of ballistic comparison photomicrographs to support his testimony. A very thorough study of these photographs and the evidence bullets disclosed, however, that M. Wolfer had matched a single land impression on the test bullet with TWO different land impressions 120 degrees apart on the fatal bullet. This amounts to saying that a single blade of a plow cuts TWO furrows in the ground over which it moves — an obvious impossibility. His procedure and testimony are thus a clear-cut violation of Precept (6) and completely invalidates the identification of the defendant's gun as the murder weapon.

Mr. Wolfer also violated Precept (5) by indicating certain Class Characteristics as part of the proof of "matching" between test and fatal bullets.

His testimony combined with his very esoteric photographic manipulations label his work in this instance nothing but perjury.

Exhibits substantiating these statements are in my possession.

(3) Case No. 2. (SC No. A233421) In this case Mr. Wolfer violated Precepts (1), (2), (3) and (4). He testified that the defendant's gun (Serial No. H53725) and no other was the single murder weapon which had fired three bullets into the bodies of three of the victims. The physical evidence, however, upon which his testimony was based established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a Serial No. H18602. The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime. Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet? The presence of the second gun is firmly established in Exhibits A and B attached hereto which are photographs of Court Exhibit 55. This court exhibit is an envelope containing the test bullets which Mr. Wolfer matched with the three evidence bullets mentioned previously. The inscription on the envelope shows that the enclosed test bullets were fired from gun No. H18602 and not from the defendant's gun No. H53725. This is a violation of Precept (1).

Although the inscription on this envelope shows that gun No. H18602 was physical evidence in this case on June 6, 1968, the gun was reportedly destroyed by the Los Angeles Police Department roughly one month later in July, 1968. This is shown in the teletype report of Exhibit C attached.

Substantiating details of the other violations by Mr. Wolfer can be made available.

I find it very hard to believe that a man of the professional expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other.

(4) Case No. 3. (SC No. A234557) While Mr. Wolfer did not violate any of the above cited Precepts, his handling of the physical evidence amounted to scurrilous tampering. In a vain attempt to make the physical evidence support the prosecution's theory of the murder, he made physical alterations of certain inscriptions on three rifle cartridge cases which were items of prosecution evidence. Please see Exhibits D, E and F, attached here with. These photographs, show that a total of 15 characters have been altered on the three cartridge cases. Some of these alterations were made during the course of the trial. Mr. Wolfer admitted that he had made alterations on one of the cartridge cases but denied making many other alterations.

The undersigned has in her possession the documentary evidence to support the above. In addition, attached hereto are three affidavits of criminalists supporting the fundamental precepts as set forth in the above.

Very truly yours,
Barbara Warner Blair

BWB:sl
cc:
Edward Davis, Chief of Police, Los Angeles
Los Angeles Times
Robert L. Meyer, United States Attorney

DECLARATION

My name is Raymond H. Pinker and I reside at 4645 San Andreas Avenue, Los Angeles, California. During the period of time from 1929 and 1965 I was employed by the Los Angeles Police Department Crime Laboratory as a Criminalist and Chief Forensic Chemist. After my retirement from the Los Angeles Police Department, I was Associate Professor in the Department of Police Science and Administration at Los Angeles State College. I was also head of the Master of Science program in criminalistics at Los Angeles State College until 1969. I am now retired.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

My Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable).

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

My Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

My Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examinations of traces of the copper coating attached to the fragment, cannot be made.

Precept (5) Class Characteristics as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

My Opinion: It is a misrepresentation to claim that one or more Class Characteristics on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

Raymond H. Pinker

Witness Martha G. Dawson
Executed on May 24, 1971
at Los Angeles, California

DECLARATION

My name is LeMoyne Snyder and I reside at 325 Valley View Drive, Paradise, California. I am a doctor of medicine and also a member of the Bar and for many years have been engaged in the field of legal medicine and in particular homicide investigation. Expertise in this field requires a thorough knowledge of the fundamentals of firearms identification and over several decades I have pursued studies in this field. My book *Homicide Investigation* is a standard text in many police academies and it contains a chapter dealing with these fundamentals.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1): The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

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Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable.)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examination of traces of the copper coating attached to the fragment, cannot be made.

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Opinion: It is a misrepresentation to claim that one or more Class Characteristics on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

LeMoyne Snyder
Executed on May 19th, 1971
at Paradise, California

Witness: Virginia G. Rundle

DECLARATION

My name is Walter Jack Cadman and I reside at 1209 W. Jacaranda Place, Fullerton, California. I am a graduate of the University of California at Berkeley holding a Bachelor of Arts degree with a major in Technical Criminology. I have a California special Teaching Credential to teach Police Science courses. From September, 1948 to date I have been employed by the Orange County Sheriff's Department Criminalistics Laboratory and as Chief Criminalist I have occasion to verify the firearm identification work and am trained and experienced in the procedures and methods of firearms identification. I

have presented approximately 24 scientific papers to criminalistic societies, law enforcement groups and chemical societies extending over a twelve year period. These papers deal with various technical problems in the general field of criminalistics. I am a member of the following professional affiliations:

Fellow and past Chairman of the Criminalistics Section of the American Academy of Forensic Sciences.

Southern California Section of the Society for Applied Spectroscopy.

American Chemical Society.

California Association of Criminalists.

American Association for the Advancement of Science.

National Association of Police Laboratories.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

My Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable.)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

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My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

W.J. Cadman
Executed on May 24, 1971
at Fullerton, California

Witness: (signature illegible)

June 3, 1971

Chief of Police Edward Davis
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, California 90012

Dear Sir:

I have been informed that you have appointed certain police personnel to undertake an examination of the Sirhan case, with a view to explaining manifest contradictions in the testimony and laboratory tests of Los Angeles Police Department forensic ballistics expert, DeWayne A. Wolfer.

The evidence is clear, both from the letter to you by Mrs. Blehr and the trial record, that Wolfer testified that the three test bullets fired by him and contained in People's Exhibit 55 matched the bullets recovered from the sixth cervical vertebra of Senator Kennedy, and the bodies of Mr. Goldstein and Mr. Weisel, and that none of those bullets were fired from Sirhan's gun. In view of the extensive fragmentation of the bullet in Senator Kennedy's head, the obvious question which lingers is who killed Senator Kennedy? As his counsel we are quite concerned that any probe be conducted in a spirit of complete impartiality. The suggestion that the second gun was utilized by Wolfer to test the noise level is belied by not only Exhibit 55 but the testimony of Wolfer itself. Moreover, although it appears that the gun which fired the three aforementioned bullets into Senator Kennedy, Mr. Weisel and Mr. Goldstein was destroyed in July, 1968, a month after the shooting, Wolfer claimed in the spring of 1969, during his trial testimony, that the gun was "still available." (Reporter's Transcript 4234)

Inasmuch as a man's life is at stake and we are attorneys of record for that man now condemned to death row, it seems mysterious that neither of us has been contacted so that any further "investigation" can truly be bipartisan. Any probe of a police officer's ballistics examination and courtroom testimony conducted only by a group of his superiors in the police department, headed off by your express disclaimer, can only be regarded by unfettered minds as a "whitewash."

There is much about the cause of death of Senator Kennedy which has yet to be unravelled. Simultaneous with the prosecution of the appeal, we have arranged for Mr. William Harper, a competent and experienced criminalist, to delve into some of the enigmas either unsolved or pointing to the conclusion that Sirhan Sirhan did not fire the fatal bullet. If truth be our quest, then let us join hands in an endeavor to ascertain it.

We are ready and willing to participate in an evenhanded, impartial inquiry with justice as the only objective. If there is nothing to hide, then a simple letter or phone call will summon our participation and our support.

Sincerely yours,
GEORGE E. SHIBLEY,
LUKE McKISSACK,
Attorneys for Sirhan Sirhan

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OCS 1410
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SO SAN ANA
ATTN SGT ADELSPERGER/ID SGT
11-15-70 1806 PST
REUR 68 OCS DATE

BUR FILES REFEAL A .22 CALIVER JOHNSON SERIAL H18602 REPORTED DESTROYED 7-00-68 BY PD LOS ANGELES CR 67 021065
NO WANTS

CII PROPERTY IDENT UNIT MC GILLIVARY AM/RM

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Davis Backs Lab 2nd Sirhan Gun Charge Refuted

Police Chief Edward M. Davis today defended police crime lab scientist DeWayne Wolfer against charges he gave incorrect testimony in the Sirhan Bishara Sirhan murder trial.

During a press conference at Parker Center, Davis said charges by attorney Barbara Warner Blehr that Wolfer's testimony was faulty were "groundless" and that he (Davis) was "satisfied the Sirhan trial was handled correctly."

Mrs. Blehr has charged a second gun was involved in the fatal shooting of the late Sen. Robert Kennedy and that Wolfer's testimony about the death gun at the trial of Sirhan was not valid.

"A second gun, similar to the murder weapon, was tested at the scene of the shooting just to determine how far the sound of shots could be heard by witnesses," Davis said.

The second test gun was destroyed by the department a month after the assassination, Davis said.

Mrs. Blehr is attempting to block the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Davis said a three-man board of inquiry, headed by Asst. Chief Jack Collins, began looking into the charges today . will report their findings w 10 days.

At today's press conferen Davis also announced launching of a "Neighborh Watch" campaign to curb rising burglary rate on a citi participation level.

Beginning today, Davis s over 2000 supermarkets Southern California will packaging groceries in ba printed with crime preventi tips to homeowners.

"Statewide and across the n tion the crime rate is increasin sharply. If burglaries contin at the present rate, they'll do ble in another five years," Da is said.

Davis said the six-month car paign will be a neighborho "self help" project with "nei bors looking out for one ano er."

William Tormey, execut vice president of the South California Grocers Assn., 15 million people in Los Ang check out through a supern ket stand every three days the anti-crime messages blanket the area.

Davis left following the pr conference to attend an ex tive committee meeting of International Assn. of Chiefs Police in Washington D.C.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

Date: 6/1/71
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: Los Angeles

☐ Being Investigated

56-156

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

CRIMINAL LAW HIGHLIGHTS

By Alan Saltzman

Los Angeles
Criminal Defense Attorney

MASTERPIECE IN APPELLATE ADVOCACY THE SIRHAN BRIEF REVIEW

We have just burrowed through e opening brief in the case of ople v. Sirhan. It consists of four rge volumes encompassing in cess of seven hundred pages and ghteen separate contentions. We e impressed by the imaginative d comprehensive presentation fered by Los Angeles criminal torney Luke McKissack, the thor of the brief. He has wrestled gorously with many provocative gal problems of our time.

UBLICITY PROBLEMS:

Initially, a compelling argument presented that a mistrial should ve been granted due to exposure the trial jurors to a deluge of blicity stating that Sirhan wanted plead guilty to first degree rder. Although most jurors dmed they could remove this nowledge from their minds, cour lecisions examined hold to the ontrary.

PLEA BARGAINING:

Issues which might well be controlling on appeal were next raised. They deal with the failure of the trial udge to accept a negotiated plea to irst degree murder with life imprisonment. D.A. Evelle Younger ppeared and announced that his ffice could not "conscientiously" rge the death penalty in view of the sychiatric evidence.

After a discussion, both the prosecution and the defense agreed that a plea to murder in the first degree with a life sentence was the appropriate disposition of the case. The Judge refused, stating on the record his fears that the public might criticize him if he failed to insist on full public trial.

McKissack suggests that even if the Court had the right to disapprove a negotiated plea he had to exercise discretion based on appropriate standards.

Moreover, McKissack argues that the Court's error was compounded when it allowed the District Attorney to introduce Sirhan's exclamation that he "killed Kennedy premeditatively with 20 years malice afterthought" despite the fact that the statement had been elicited by the Court itself while earlier taking his plea of guilty. Penal Code No. 1192.4 forbids introduction into evidence of a guilty plea which has been refused.

D.A.'s ARGUMENT:

McKissack next argued that the prosecution stated on numerous occasions that under no circumstances would it affirmatively ask for the death verdict; yet in his summation the District Attorney presented a feverish argument for the death penalty.

(Indicate page, name of newspaper, city and state.)

Pg 4 - Los Angeles Daily Journal (Legal) — Los Angeles, Calif.

Date: April 13, 1971
Edition:
Author: Alan Saltzman
Editor:
Title: Criminal Law Highlights

Character:
or
Classification:
Submitting Office:

☐ Being Investigated

56-15-6H-892

SEARCHED ____ INDEXED ____
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FBI — LOS ANGELES

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DIMINISHED CAPACITY:

Diminished capacity contentions urge the Court, based upon the psychiatric evidence adduced at trial, to reduce the grade of homicide to manslaughter or second degree murder due to the fact that Sirhan had neither the requisite state of mind to premeditate the death of Kennedy nor to harbor malice aforethought.

Furthermore, he urges the Appellate Court in any event to reduce Sirhan's sentence under Penal Code 181(7). That section has long been available to the Court but has never before been employed by it to reduce a sentence from death to life.

SEARCH & SEIZURE:

Search and seizure issues are raised relating to evidence taken from Sirhan's bedroom without his consent and in the absence of a search and arrest warrant. Also, there was a search of the garbage area just outside the Sirhan home, a search questionable under the Edwards case.

GRAND JURY:

The brief makes a massive attack upon the Grand Jury system. It is contended that indictment by Grand Jury (rather than a Preliminary Hearing) invidiously discriminates against the subject whose case is taken at the discretion of the District Attorney to the Grand Jury. At the preliminary hearing the defendant has the right to be present, have an attorney, the right to testify in his own defense if he chooses, the right to present and cross-examine witnesses, the right to have a judge rule on the admissibility of evidence. None of these protections are accorded the subject whose case is summoned before the Grand Jury.

McKissack concedes that the U.S. Constitution allows use of a Grand Jury. He argues that once a State has set up a superior proceeding with advanced Constitutional safeguards it may not, without constitutionally permissible standards for differentiation, capriciously take some defendants cases to the Grand Jury while others have the benefit of a preliminary hearing.

CAPITAL PUNISHMENT:

Arguments XIII through XVII cover thoroughly the arguments against Capital Punishment.

Argument XVI contends that since the penalty jury had no standards to guide them in their decision of life or death the decision was essentially lawless and thus violative of Due Process and Equal Protection. This very contention will soon be decided in the McGautha case by the United States Supreme Court. McKissack filed an Amicus Curiae brief in that case in which he argued that empirical evidence tends to show that jurors given no guidelines habitually rely on unconstitutional considerations in reaching death verdicts such as the failure of a defendant to testify or an unsuccessful insanity or diminished capacity defense.

All in all, the brief tackles many of the challenging problems of our day. It constitutes an invaluable aid to defense counsel, and is proof that to be a criminal lawyer is to be a Constitutional lawyer. The shoot-from-the-hip approach, devoid of knowledge of Court decisions and resourceful anticipation of future decisions, no longer suffices to prepare the competent defense counsel to adequately defend his client.

FD-250 (Rev. 7-11-61)

(Mount Clipping in Space Below)

Constant Threat of Death Affects Kennedy's Life, Family, Career

By Ken W. Clawson
Washington Post Staff Writer

Each weekday afternoon, Sen. Edward M. Kennedy makes an important telephone call to his home in suburban McLean, Virginia.

He talks to his son, Teddy Jr., about school and other things of interest to a nine-year-old boy.

Kennedy is unusually close to his elder son, but the daily telephone calls have another purpose:

Young Teddy Kennedy does not believe that his father, the last of the Kennedy brothers, will make it back home once he leaves the residence each day.

The daily telephone call is to reassure Teddy; Kara Anne, 10; Patrick Joseph, 3, and the senator's wife Joan. It is not an easy task for a man who also believes that he is stalked by death.

Seven years after President John F. Kennedy was assassinated in Dallas and nearly three years after Sen. Robert F. Kennedy was murdered in Los Angeles, Sen. Edward M. Kennedy is warned frequently and in a variety of ways that the may be next to die.

The constant fear that "somebody out there" may be gunning for the senator is a major factor among those close to Kennedy in any discussion of his political future, although Kennedy is determined that he will not be paralyzed by the possibility of assassination.

Next to the President and Vice President, Kennedy receives more threats than anyone in government.

It is also fair to say that he receives more attention from the Secret Service, Federal Bureau of Investigation, Capital police, Metropolitan police and Fairfax County police than any other public official outside the White House.

Sen. Kennedy does not have Secret Service protection. By law, he cannot. But the Secret Service does investigate threats to public officials for intelligence purposes on the basis that such persons are potential threats to the President and Vice President.

A review of Secret Service intelligence contacts with U.S. senators since 1964 reveals that Kennedy has received more than three times as many threats as any other senator.

355 Contacts

Kennedy was elected a senator from Massachusetts in 1962. From 1964 to the present, Secret Service was involved in 355 matters arising out of Kennedy threats.

Threats aren't the exclusive property of any single ideology. Former Senate dove Eugene McCarthy had 99 Secret Service contacts—next highest to Kennedy—while hawk Barry Goldwater (R-Ariz.) had 94.

Secret Service had 40 contacts with Sen. J. W. Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee and leading critic of U.S. involvement in Indochina.

Sen. Birch Bayh (D-Ind.) received 12 threats considered serious enough for Secret Service involvement. Most came during Senate debate over the nominations of Clement F. Haynsworth Jr. and G. Harrold Carswell to the Supreme Court.

(Indicate page, name of newspaper, city and state.)

A-1 Washington Post

Date: 2/7/71
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: Los Angeles

☐ Being Investigated

56-1524-891

SEARCHED ___ INDEXED ___
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FEB 7 1971
FBI — LOS ANGELES

Other senators and the number of Secret Service contacts during the period included Sen. George McGovern (D-S.D.), 17; Sen. Edmund S. Muskie (D-Maine), 25; Sen. Philip Hart (D-Mich.), 15; Senate Minority Leader Hugh Scott (R-Pa.), 14; Senate Majority Leader Mike Mansfield (D-Mont.), 9, and Sen. Strom Thurmond (R-S.C.), 8.

The FBI, which has primary jurisdiction in these cases under the federal extortion statute, does not disclose its investigation statistics. However, it is believed their experience is similar to the Secret Service's. Much information is shared between the two federal agencies and local police.

Also on Upswing

Chairman Tom Steed (D-Okla.), chairman of the House Appropriations subcommittee that handles the Secret Service budget, said that threats against the President and Vice President are also on the upswing, a condition that he characterized as a "sickness that won't go away."

Steed said he favors further expansion of Secret Service authority to include —at the discretion of the President—temporary protection of senators and congressmen when they are confronted with what appears to be a bonafide threat. No such legislation has been offered, however.

Current presidential threats are secret, but in testimony before Steed's subcommittee in 1970, Secret Service Chief James Rowley said that threats or obscene mail to the President and Vice President total about 15 a month.

Rowley added, however, that Secret Service examines about 500 packages, gifts and letters to the White House each week.

It was learned that from 1964 until he lost the presidential election to Mr. Nixon in 1968, Sen. Hubert Humphrey (D-Minn.) had a total of 1,355 Secret Service contacts arising out of threats. During most of this period, Humphrey was Vice President.

Rowley also disclosed at his appropriations hearing last year that President Nixon ordered Secret Service protection for Humphrey for six months after the 1968 election.

In Kennedy's case, the senator does not see the hate mail, which goes into a file cabinet in his outer office. His staff says the ebb and flow largely depends on events that propel Kennedy into the headlines.

Peaks came in 1964 when he almost died in a plane crash; in 1965 when he tried —and failed—to make Francis X. Morrissey a federal judge; in 1968 following the June murder of his brother Robert in California, and twice during 1969.

Early in that year, hate mail followed his defeat of Sen. Russell Long (D-La.) for the post of Democratic whip, which he has since lost.

Hate Mail Enormous

Then in July, 1969, he drove off the bridge at Chappaquiddick Island, Mass., and a secretary, Mary Jo Kopechne, was drowned. The volume of hate mail was enormous.

At least 100 times a year, the mail includes a threat of death, kidnap or injury to Kennedy or members of his family.

Often, the letters, conclude with what federal law enforcement officials call the "symmetry proposition" —that bad luck comes in threes.

"Your brothers got what they deserved. You're next," some letters say.

It is also estimated that Kennedy's office receives more threatening and obscene telephone calls and even personal crank visitors than other senators and congressmen.

When Kennedy travels in other states, he takes complex security precautions. These are based on briefings by the Secret Service and FBI and are provided to all public officials who have been seriously threatened.

In Kennedy's case, an advance man contacts local police wherever he travels. He has received substantial protection from local agencies.

Resident FBI agents are also alerted when Kennedy is coming to a city, especially since Jan. 3 when President Nixon signed into law a bill that includes a provision making it a federal crime to assassinate, kidnap or assault an elected or appointed federal official.

The measure itself has several ironic twists. First, it was sponsored by Sen. Robert Byrd (D-W.Va.), who dumped Edward Kennedy as Whip last month. The bill grew out of the assassination of Robert F. Kennedy and the subsequent bizarre trial of Sirhan Sirhan in a California state court.

Finally, it was opposed by Sen. Edward Kennedy because it carries a mandatory death penalty provision.

Kennedy's actions last April when he was invited to the first anniversary observance of the murder of the Rev. Dr. Martin Luther King Jr. in Memphis provide an example of his security procedures.

He did not accept the public invitation. Nor did he accept the recommendation of his staff to pass up the appearance, although he appeared to do so.

Instead, he went on a holiday to Florida. Then, unannounced and unscheduled, he went to Memphis and participated.

He was following a Secret Service axiom that assassinations are not spontaneous but are planned. That is why a recent ice skating afternoon on the C&O Canal with his family was realized minimum risk although it seemed dangerous.

Kennedy refuses to talk publicly about the anguish that results from his unique situation, although he acknowledges that it encircles his life.

Helps Ease Strain

At his Senate office a grim humor has evolved that would be offensive to an outsider but helps ease the strain for those who must live with the possibility of a murder attempt on the last Kennedy brother.

Kennedy engages in this banter himself, but only with those very close to him — David Burke, Dick Drayne, Andy Vitale, his cousin Joe Gargan, a few others.

There are other outward manifestations: The quorum buzzer sounds. It doesn't sound at all like a pistol shot, but it is loud and sudden.

Kennedy jumps tense; then he relaxes, smiles.

He is particularly sensitive to the effect of his unique position upon his children.

When President Johnson assigned him Secret Service bodyguards in June, 1968, because he feared a plot to wipe out the Kennedys, the senator sent them away after two days because he didn't want his children to see them.

But the family cannot be shielded from grim reminders. Twice each year all the Kennedys — including cousins without fathers — gather for memorial services for the slain brothers at Arlington National Cemetery.

Crank Mail Is Rampant

Few persons have ever been neutral about any of the Kennedys. All of them were subjected to more than their share of hate and crank mail. They also have received much adulation mail, too, and that remains true with Sen. Edward M. Kennedy (D-Mass.).

Persons familiar with mail received by President John F. Kennedy say that his First Lady, Jacqueline, was bombarded with sexually oriented, often pornographic mail.

It is estimated that Martha Mitchell, wife of Attorney General John N. Mitchell, now receives the most crank mail of any woman in Washington. Much is fan mail, but some equals the worst of the antiKennedys. During the Christmas holidays, Mrs. Mitchell received a cake box containing a decomposed rat surrounded by holly.

The Attorney General also receives threats, but he has an FBI agent as a bodyguard.

EDWARD M. KENNEDY
. . . most threatened senator

FD-350 (Rev. 9-18-63)

(Mount Clipping in Space Below)

Sirhan Gun: Not Death Weapon?

Expert Is Challenged

Affidavits and a letter challenging expert gun identification testimony in the Sirhan Bishara Sirhan and Jack Kirschke murder trials have been filed with the Los Angeles Civil Service Commission.

The documents raised a possibility that the weapon in evidence at the Sirhan trial might not have been the one used in the slaying of Sen. Robert F. Kennedy.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, submitted the material yesterday in an admitted effort to block the appointment of DeWayne A. Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Police Chief Edward M. Davis immediately appointed a board of inquiry to investigate charges made by Mrs. Blehr, as early as possible next week.

Davis also said he has instructed Wolfer to make no comment pending the outcome of the inquiry.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney, found guilty of killing his wife and her lover. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry—Asst. Chief Jack Collins, Dep. Chief John Partridge and Cmdr. George Beck—to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyne Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case, referred to in the letter only by his court number, Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun had no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the bullets were positively [illegible] bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18602," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

But the second similar gun was reportedly destroyed by the Los Angeles Police Department in July, 1968, a month after the assassination, she said.

In the Kirschke case, Mrs. Blehr said, Wolfer violated a precept by matching a single land impression on the test bullet with two different land impressions on a fatal bullet, thus invalidating identification of the defendant's gun.

She also [illegible] similar charges relating to a murder trial referred to only as "SC number A29657, Terry."

Wolfer was described by Chief Davis as "a cautious, conservative, straightforward and thorough scientist," and as a "distinguished expert."

Davis said Wolfer has been acting head of the crime lab and had been recommended by the chief for a permanent appointment effective July 1.

(Indicate page, name of newspaper, city and state.)

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DeWAYNE WOLFER
Expertise challenged

FD-350 (Rev. 7-16-63)

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Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH
Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wolfer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles I've done nothing wrong and I'll stand behind my work in a court of law. I can't say any more until I've read the charges against me, but I'm going to get an attorney right away."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

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Los Angeles Times
Los Angeles, Calif.
Page 1
Part II

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SIRHAN CASE

Continued from First Page

Ballistics investigation before making any comment.

Police Chief Edward M. Davis defended Wolfer in a prepared statement: "He never takes sides on any issue, even when the accused are police officers. He is cautious, conservative, straightforward and a very thorough scientist."

Davis said that he has appointed a board of inquiry to investigate the Beehr charges. The board, consisting of Asst. Chief Jack Collins, Dep. Chief John McAllister and Cmdr. George Beck, will convene next week.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725. The test shots were made on June 6, 1968, and the third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's charges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation — of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an oversealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."

FD-350 (Rev. 7-16-63)

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Wrong Gun in Kennedy Slaying?

Three top Los Angeles police officials will meet Tuesday to begin a probe of charges that police ballistics expert Wayne A. Wolfer erred in testimony concerning the weapon used in the assassination of Sen. Robert F. Kennedy.

The panel, chaired by Asst. Chief Jack Collins and consisting of Dep. Chief John McAllister and Cmdr. George Beck, will meet at Parker Center at 9 a.m., at the direction of Police Chief Edward M. Davis.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, Friday submitted affidavits and a letter challenging testimony given by Wayne A. Wolfer in the Sirhan Bishara Sirhan and Jack Kirschke murder trials.

Mrs. Blehr, admitting her efforts are aimed at blocking the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory, filed the documents with the Los Angeles Civil Service Commission.

They raise the possibility that the weapon in evidence at the Sirhan trial might not have been the one used in Kennedy's slaying.

Pending the outcome of the inquiry by the blue-ribbon panel, Davis said he has instructed Wolfer to make no comment concerning the matter.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney.

Kirschke was found guilty of killing his wife and her lover, and was given a life sentence. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyne Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case—referred to in the letter only by its court number—Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun and no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18882," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

(Indicate page, name of newspaper, city and state.)

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6/1/71 has called me possible FBI lab exam on Sirhan weapon. Wolfer [illegible] b7c

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irhan's Attorneys ppeal Death Decree

rneys for Sirhan Bishara a have appealed his death nce for the assassination of Robert F. Kennedy.

rneys raised 18 issues t they claimed were nds for a reversal of the degree murder conviction.

was estimated the direct al to the State Supreme t, which is automatic in fornia for persons con- ned to death, would cost t $50,000 which one of the rneys said he was financing onally.

among the major points is the tention that the presiding ge, Superior Court Judge bert V. Walker, refused to w Sirhan to plead guilty in change for a life sentence, as ued by the defense and pro- ution.

Walker refused to permit the lea bargaining" because he d he wanted to prevent the ibility of lingering specula- tion over the case as occurred after the assassination of President John F. Kennedy.

Sirhan's attorneys claim his rights also were abridged when police officers entered the bedroom of his family's Pasadena home without his permission and seized notebooks in which he wrote, "RFK must die."

The lawyers contend there was "illegal search and seizure" because the officers did not have the authorization of the defendant to make the search.

It also was argued Sirhan's rights were denied when he was not given a preliminary hearing, but was indicted by a grand jury.

The brief of 704 pages filed yesterday with the California Supreme Court lists Sirhan's lawyers as Luke McKissack and George Shibley, with Russell Parsons, Grant Cooper, Martha Goldin and Abdeen Jabara serving "of counsel."

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FD-350 (Rev. 7-18-63)

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High Court Asked to Hear Sirhan on Death Penalty

WASHINGTON (UPI) — The lawyer for Sirhan B. Sirhan, sentenced to death for the 1968 assassination of Sen. Robert F. Kennedy, today asked the Supreme Court to hear his views on capital punishment.

Luke McKissack of Hollywood, Calif., asked permission to file a brief in the test case from that state to be argued orally before the court Monday. The justices are being urged to set standards to help judges and juries who must decide whether to impose the death penalty.

McKissack relied heavily on a recent study by members of the Stanford University Law Review. The study showed among other things that California juries are more generous with white-collar defendants than those in lower economic brackets.

Of 157 defendants holding blue collar jobs, 57.9 per cent were sentenced to life imprisonment instead of death while of 21 defendants in white collar jobs, 85.2 per cent escaped the death penalty.

Sirhan has been in death row in San Quentin Prison since May, 1969. His case is now before the California Supreme Court.

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SANTA MONICA, CALIF.
EVENING OUTLOOK Tuesday, Nov. 3, 1970—13

BAY AREA NEWS

News Of The Entire Bay Area

3 Assassinations

Looking Back To Gloomy Days

By LYNDA HAYES
Evening Outlook Staff Writer

Psychologists say people tend to suppress bad memories and relive only the good ones. But nearly 100 people relive terrifying memories every Wednesday at Santa Monica College.

Bleak thoughts of Nov. 22, 1963; April 4, 1968; and June 5, 1968, are vivid there, as the Experimental College conducts its class on Political Assassination.

Working with films, tapes and speakers, the class is designed to sift through incongruities of the three assassinations.

The first two sessions dealt with the death of John Kennedy, including a screening of the famed Zapruder films—detailing the movement of JFK at the moment of impact.

The Zapruder films were the basis of much of the skepticism aimed at the Warren Commission Report. Other doubt was voiced by Mark Lane, Penn Jones, Mort Sahl, Harold Weisberg and New Orleans District Attorney James Garrison who announced, "I have solved the murder of John Kennedy."

Conspiracy Theory Told

Garrison never named the actual murderer, but all of the theories that began to emerge centered around a conspiracy, with Lee Harvey Oswald either absent from the picture entirely or acting as a puppet for the conspirators.

Some theories have even linked all three assassinations to the same unnamed conspirators.

The theories sprang from what appeared to be inconsistencies and contradictions within the Commission Report. To some, this indicated a commission that wanted a quick answer. To others, it indicated a deliberate whitewash.

These inconsistencies included pictures of Oswald holding the murder weapon in a position critics call "anatomically impossible;" the discrepancy between the report's conclusions on the direction of the death bullets and what the Zapruder films appear to show; and many others.

Seven years later, the Warren Commission Report maintains the sole murderer to be Lee Harvey Oswald. Critics still disagree, but, for the most part, the public no longer cares.

And it is this indifference that helped spur the birth of the Political Assassination class.

'Shift In Conscience'

"There has been a great shift in national political conscience from the early 1960s to now," explains Rusty Rhodes, SMC student and class instructor. "Those early years were concerned to a great extent with this nation's military and criminal investigation organizations like the FBI and CIA. It even showed in our taste for movies — 'Seven Days In May' and 'Dr. Strangelove.'

"But we've moved away from that now, and I hope this class will familiarize the public again with what we are actually doing in America. Students will hopefully

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Assassination Studied

Continued From Page 12

gain a political maturity and be able to see that the Warren Report is a whitewash by the CIA, the FBI and, of course, the officials involved."

Rhodes, who believes both the CIA and FBI were deeply implicated in President Kennedy's assassination, says America is the only nation that accepts the findings of the report. "This is wrong," Rhodes said: "People should not go on believing that Oswald is the lone assassin."

Who, then, is implicated in the conspiracy theory?

"I will not make any direct accusations, because no single organization was responsible for the assassination on the whole," Rhodes said. "But the Secret Service and other agencies of the government—the CIA in part, the FBI—fell flat on their faces that day in protecting the president. They did not do their job.

Oswald And The CIA?

"I believe that Lee Harvey Oswald was an agent of the CIA successfully establishing a left-wing cover for himself. He was not a direct part of the assassination and he did not pull the trigger. But in taking orders, he placed himself in the position of a patsy. He placed himself in the position of the obvious suspect."

According to Rhodes, still another factor emerges from the conspiracy theory, this one involving a feud betwee JFK and major Texas oil interests.

"Texas oil interests despised Kennedy—the feud centering, of course, around the oil depletion tax—and they would have wanted the man out of the presidency, too," Rhodes claims.

It is these forces—military and criminal investigation units as well as big business—that Rhodes claims were at work when bullets gunned down Sen. Robert Kennedy in the Ambassador Hotel.

"RFK knew the truth about his brother's death," Rhodes said, "and he also knew that it would take the full powers of the presidency or an act of Congress to bring it out in the open. That's one of the things he was working for."

One of the more startling—if seemingly unlikely—theories to be brought out in a future session of the class takes the death bullet out of Sirhan Sirhan's weapon and places it in the hand of a mysterious man named Caesar.

According to Rhodes, "Caesar" was appointed bodyguard to RFK by the Ambassador—yet the man was allegedly a member of the Klu Klux Klan, the John Birch Society, and a solid opponent of RFK.

Going on information he claims was gathered from the reports of county coroner Thomas Noguchi, Rhodes maintains that the fatal bullet came from a gun Caesar drew as Sirhan began his first wild shots.

The only assassination Rhodes hesitates to talk about is that of Dr. Martin Luther King, although that will also meet with discussion as the class progresses.

And so the class continues, exploring assassination. Some will go away when the semester ends, convinced that the Kennedy assassinations have not been solved. Some will believe the findings of the Warren Commission. Other will not really care.

But none will forget the films, the tapes, and the speeches of late November 1963—and the others that followed.

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FBI — LOS ANGELES

Was Sirhan "Programmed" to Kill Robert Kennedy?

R.F.K.'s friends struggle to subdue Sirhan. Later, the killer was unbelievably calm.

Was Sirhan a computerized assassin? In this preview of a book Sirhan tried to stop, the reporter who knew him best offers a chilling theory.

By Robert Blair Kaiser

In court, on trial for his life, Sirhan Bishara Sirhan said he first made up his mind to kill Robert F. Kennedy when he saw a film biography of Senator Kennedy that was shown for the first time in Los Angeles on May 20, 1968. No one then asked Sirhan how it happened that he scribbled "R.F.K. must die" in his diary two days before that—on May 18. Sirhan's lawyers and the prosecuting attorneys apparently decided to accept the assassin's story that he was an "Arab hero" who had acted alone to kill Robert Kennedy because Kennedy favored selling U.S. jet fighters to Israel.

For two years now we have accepted the official verdict that there was no conspiracy to assassinate Bob Kennedy. I disagree. I did not believe Sirhan's story then—and I still don't.

When I think of Sirhan Sirhan, I think of a blank slate upon which ideas could be imposed with ease—or, better, a piece of videotape on which certain images could be electronically imprinted and sounds electronically etched. He was erasable and replayable. Through long conversations with Sirhan while he was in jail, I watched him shape and rehearse his Arab hero story. I was more inclined to judge that he was the tool of someone else, that he was kind of an automatic assassin, programmed like a computer, perhaps, to kill Kennedy—but almost certainly switched on by others.

It is my judgment, as the only outsider who has had access both to Sirhan and to the official records, that neither the FBI nor the Los Angeles police nor the prosecuting attorneys nor the defense attorneys probed deeply enough into the conspiracy question. I don't know why the FBI didn't. I think I do know why the others didn't. Questions about a conspiracy would only complicate their lives. The police couldn't admit the possibility of co-conspirators without producing some co-conspirators. Otherwise they'd look inept and their mayor, Sam Yorty, who was running for reelection, wouldn't look very good, either. The District Attorney's office was under public pressure to give Sirhan swift justice. The defense attorneys may have relied too heavily on the police, and I believe they were simply baffled by Sirhan.

In my estimation, there is considerable evidence to indicate that Sirhan appeared to be in a trance the night of June 4-5, 1968, when he shot Kennedy in the crowded pantry of the Ambassador Hotel in Los Angeles.

Shortly before the crime, a teletype operator at the Ambassador noted that Sirhan stared fixedly at her machine and wouldn't respond when she spoke to him. And moments after the shooting there was only one person in the chaos of the pantry who was "peaceful": the assassin. Then, when policemen came and took the killer away, they shone a flashlight into his eyes. They found his pupils dilated—evidence that he was under some alien influence: drugs, alcohol, who knew what? And Sirhan was unbelievably detached when the police led him through an all-night interrogation, a most unusual attitude for a young man who had just gunned down a man whom he later said was "a god to me."

How did Sirhan come to be in such an unusual mental state on the night he killed R.F.K.?

As late as May 7, 1970, several days after a Los Angeles jury condemned him to die in the gas chamber at San Quentin, Sirhan compared himself to the original "assassins"—the *hashishin*, members of a secret Mohammedan cult who drugged themselves before they committed their appointed murders. "It must have been something like that with me," he said.

I believe him. I had sat in on most of the hypnotic sessions Sirhan had undergone with a psychiatrist, Dr. Bernard L. Diamond, dean of the School of Criminology at the University of California at Berkeley. Those sessions produced far less information than Dr. Diamond had hoped they would, but they convinced me that, while Sirhan didn't tell the whole truth under hypnosis, he was not faking when he said he couldn't remember the details of the assassination.

But why couldn't he?

Dr. Diamond believed that Sirhan had unconsciously "programmed himself exactly as a computer is programmed by its magnetic tape . . . for the coming assassination." That night he had then gone into a spontaneous trance under the influence of some bright lights, some mirrors and a little liquor, and finally proceeded to the crime itself.

But if that were true, Sirhan should have had some recollection, if not of the killing, at least of the programming process. He didn't remember that, either.

Was it possible that someone else had programmed Sirhan, possibly without his full knowledge? Sirhan didn't like *(continued on page 158)*

From the book "RFK Must Die," by Robert Blair Kaiser, to be published this month by E. P. Dutton & Co., Inc. Copyright © 1970 by Robert Blair Kaiser.

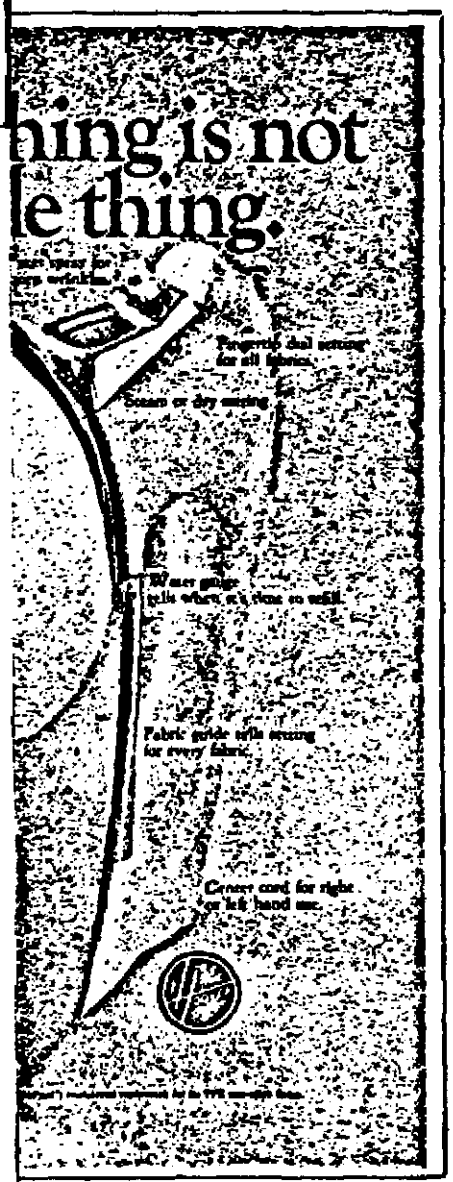
WAS SIRHAN PROGRAMMED?

continued from page 66

that suggestion. Nor did I. It was a far-fetched theory, fetched in fact from Richard Condon's novel, *The Manchurian Candidate*. There, Raymond Shaw, the anti-hero who had been brainwashed in North Korea, was triggered by the phrase, "Why don't you pass the time by playing a little solitaire?" to riffle through a deck of playing cards until he came to the queen of hearts; once finding that card, he would await further instructions, then kill without knowing why he had killed or even that he had killed.

Could this have been the case with Sirhan? After all Sirhan *had* experimented with occult mind-bending exercises. I thought the line worth pursuing. And so, marvel of marvels, did Sirhan. He finally asked me, on December 31, 1968, to investigate further. Could anyone have exerted such an influence over his mind?

I did some research and discovered an interesting real-life example of



Under hypnosis, through hypnosis. In 1961, in Copenhagen, Bjorn Nielsen had programmed Palle Hardrup to go into a trance at the sight of the letter "X," rob a bank and kill anyone who got in his way—almost completely unaware that he had been used. Unlike the fictional Raymond Shaw, however, Hardrup had some notion of what had happened. In jail, he recalled enough about his former association with Nielsen to suspect that he had been used. He confided his suspicions to a psychiatrist, who spent almost a year cracking the mechanism by which Nielsen had locked Hardrup's recollections.

On February 8, 1969, during the Sirhan trial, Dr. Diamond programmed Sirhan, under hypnosis, to climb the bars of his cell. Sirhan had no idea what he was doing up on the top of the bars. When he finally discovered that climbing was not his own idea, but Dr. Diamond's, he wondered—and the thought frightened him—whether he had been programmed by someone else to kill Kennedy.

To Dr. Diamond, this was "a crackpot theory." It was, at least, unless someone could find a Kennedy-hater with hypnotic skills who used them on Sirhan.

I couldn't find such a person. I sought out some of the people who had played occult games with Sirhan. One of them admitted that he had written a menacing letter to Chief Justice Earl Warren that brought investigators from the FBI. And this man told a somewhat different version of his recent association with Sirhan than Sirhan told me. Still, this didn't mean he was involved in a plot. However, Sirhan told me that he had learned the art of autosuggestion from others, yet he would never say who the others were.

For this reason and because of several other curious admissions and evasions, I still had a feeling that somewhere in Sirhan's recent past there was a shadowy someone. So did Robert LaJeunesse, the FBI agent in charge of the Sirhan investigation, who confided to me: "The case is still open. I'm not rejecting the *Manchurian Candidate* aspect of it." LaJeunesse had attended the trial, he heard Dr. Diamond's testimony, and he seemed convinced that Sirhan was in a trance on the night of June 4. And he knew, better than I, that Robert Kennedy had enemies who could have chosen Sirhan, with his antisemitic feelings and his inert paranoia, as a possible tool. Sirhan was a man with nothing to lose, with enough conscious and unconscious hatred within him to

Wherever someone says about a place "You can't miss it"—I can miss it. —Poor Woman's Almanac

from the attention of anyone looking for a likely gunman.

Who would have wanted to use Sirhan in this way? I didn't know. But the police and the FBI (and I) uncovered evidence that Sirhan associated with extremists of both the Right and the Left and that he had other connections with the so-called underworld. I couldn't investigate these ties. But the police and the FBI had the legal mandate and the resources to do so. I could only hope that they would. That, surely, they were applying wit and imagination even while public relations-minded spokesmen continued to force the facts or to reveal only those that enhanced their own image—as Robert Houghton, assistant chief of the Los Angeles police, did in his book on the assassination (*Special Unit Senator*, Random House, 1970).

We looked for a conspiracy, Houghton said, and we didn't find one. I think he looked the other way when his own detectives brought Thomas Vincent DiPierro until DiPierro retracted his story of seeing "the girl in the polka dot dress" with Sirhan the night of the assassination.

A pretty girl

Houghton's suspicions were not aroused by the story of the Pomona bartender who said he saw Sirhan stalking Kennedy on May 20 in the company of a pretty girl.

Houghton overlooked the insurance executive who saw Sirhan at target practice in *May at Rancho California*, again with a pretty girl. He brushed aside the puzzle of Edward Van Antwerp, who mysteriously disappeared from Corona, Calif., 12 hours before Senator Kennedy was shot and reappeared two weeks later in Eureka, Calif. Van Antwerp had told the FBI he never knew Sirhan when, as a matter of fact, he had roomed with Sirhan for five months. Houghton apparently did not find it strange that the FBI and his own investigators took 20 months to find the man who brought Sirhan to Corona in the first place, Frank Donnarumma, alias Henry Donald Remistella of New Jersey.

Houghton overlooked the direct, naive approaches that investigators made to Jimmy Hoffa, and the likes of Hoffa, who were not above suspicion: "Tell us about your contract to have Senator Kennedy killed, Jimmy. No? No contract? Oh, well, sorry to have bothered you, Jimmy." And Houghton seemingly approved the facile thesis that anyone who had facts running counter to the lone-assassin theory was "psycho."

It wasn't easy for Houghton to ignore the evidence in Sirhan's notebook that Sirhan associated the killing of Robert Kennedy with some kind of payoff to himself. Whenever Kennedy's name appeared there, it was always accompanied by the phrase, "Never pay to the order of Sirhan." That "should have aroused the suspicions of anyone sure right, much more of a police officer who was always ready to expect the worst. But Houghton made the improper effort. He assumed that, too, partly because he assumed that Sirhan would have to have had the money in hand before he struck and Houghton couldn't find any extra money to support his belief.

It is entirely possible that Sirhan was gunning for Kennedy on a simple promise of money, sweetened by a small down payment. He could have lost that money at the racetrack, or stashed it away, or, indeed, given it to his family.

Grant Cooper, Sirhan's defense attorney, once asked him about the money angle and Sirhan answered with a question of his own: "If I got the money, where is it?"

Here, Sirhan evaded genuinely evasive. But it was clear that in his notebook he was repeating instructions to target any payoffs of money: "I have never and never pay to the order of [illegible] of of of of of of of of this or that $5000."

Sirhan never could explain the references to money in his notebook. Where did the instructions come from? From Sirhan or from somebody else?

It was possible that these orders came from somebody else, and that Sirhan then dreamed them into his own mind. But no one could say with certainty. It would take a psychoanalyst as skilled as Dr. Diamond perhaps another year of interviews with Sirhan to test this theory thoroughly—to put Sirhan through more hypnotic sessions in an effort to see if, indeed, his memory had been blocked by some kind of psychological locking mechanism. There was some indication that it was. On certain occasions when Dr. Diamond put Sirhan under hypnosis and asked him about the involvement of others, Sirhan would go into a deep sleep. Once, on January 11, 1969, Sirhan answered some questions quickly and easily. On others he blocked.

"Sirhan," said Dr. Diamond. "Did anybody pay you to shoot Kennedy?"

Five-second pause. No answer.

"Did anybody pay you to shoot Kennedy, Sirhan?" A sigh.

"Yes or no?" Two-second pause. "I can't hear you."

"No."

"No? No one paid you to shoot Kennedy. Did anybody know ahead of time that you were going to do it, Sirhan?"

Two-second pause. "No."

"No?" Dr. Diamond asked. "Did anybody from the Arabs tell you to shoot Kennedy? Any of your Arab friends?"

Immediately: "No."

"Did the Arab government have anything to do with it, Sirhan?"

Immediately: "No."

"Did you think this up all by yourself?"

Sirhan paused six seconds. "Yes," he said.

It would, furthermore, take even a mind with Dr. Diamond's skills more than to explore with Sirhan the significance of his assertion that he could, for instance, "blow the top off this case" if he chose to say what he knew. Even Dr. Diamond would need more time to see what had prompted Sirhan's successive stories that Lyndon Johnson or Richard Nixon or James Hoffa had put him up to killing Kennedy, more time to find out why Sirhan thought that "the FBI did a lousy job of investigation" and "didn't know everything."

Secretive fellow

It is impossible now for me to recheck the facts with Sirhan. He has refused to see me any more. He became angry about the kind of book he suspected I was writing about him, and sued to prevent its publication. My narrative shows a new Sirhan: a secretive fellow whose pseudo-explanations, evasions, fabrications and lies would give many readers reason to conclude that he might be nothing more than a hired gun. Sirhan was afraid that my book would reopen the case. That apprehension made him very unhappy. He rather liked his identity as an Arab hero. And I was taking it away from him. END

THIS IS THE WAY
By Christie Lund Coles

This is a way of life
she hoping for,
the willing to be free
of tortured end of doubt,
of looking up and out,
of believing
in the dark
that there is a light
somewhere.
And a Lord.

FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Brother of Sirhan Arrested as Drunk

Saidallah B. Sirhan, older brother of Sirhan B. Sirhan convicted slayer of Robert Kennedy, is in the custody of Antelope Valley Sheriff's deputies today following his arrest for public intoxication.

Sirhan, 28, of 1659 N. Lake Ave., Pasadena was booked last night at Antelope Valley Sheriff's sub-station for "drunk in a public place."

Police said Sirhan and a companion, Roland P. Dion, 22, also of Pasadena, were driving along State Highway 2, near Dawson Saddle, when their car apparently ran off the highway, coming to a stop on the brink of a 700 foot cliff. The car plunged over the cliff seconds after they scrambled to safety.

When a CHP officer attempted to arrest Sirhan, Dion attacked the officer with a fist-sized rock, officers said.

Dion is held on a "felonious assault on a police officer" booking.

(Indicate page, name of newspaper, city and state.)

A-4 Herald Examiner
Los Angeles, Calif.

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Edition: 8 Star
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(Mount Clipping in Space Below)

Arrest Sirhan's brother

The brother of Sirhan B. Sirhan, convicted murderer of Presidential candidate Robert Kennedy, was arrested last night by a Lancaster - based California Highway Patrolman following a traffic accident on the Angeles Crest (Highway 2) near Dawson Saddle.

Saidallah Bishara Sirhan, 38, Pasadena, was a passenger in a car driven by Roland Pierre Dion, 27, Pasadena, when it plunged to the bottom of a 200-foo: cliff on the Crest.

Dion was arrested on assault with a dangerous weapon charge after he threatened Patrolman David Ritenour with a baseball - sized rock.

Sirhan was arrested on drunk in a public place charges and was released at 4 a.m. after five hours in the Antelope Valley Sheriff's office jail. Sirhan signed a promise to appear Nov. 4 at 10:30 a.m. in the Antelope Municipal Court.

Sirhan was apparently a passenger in the car driven by Dion. The pair was reportedly traveling from Pasadena to Mt. Wilson when the vehicle left the road and went to the bottom of the cliff.

CHP reports on the accident were not complete this morning, but when Ritenour arrived on the scene at about 7:45 a.m. Dion and Sirhan were beside the road.

Ritenour reported that Sirhan was very drunk and unable to care for himself. He placed Sirhan under arrest and half - carried the 133 pound man to the patrol unit. Ritenour seat belted the handcuffed Sirhan into the right front seat of the unit.

Ritenour reported that Sirhan began a stream of profanity that lasted an hour and a half and that Sirhan kicked the interior of the patrol unit until he shut off the car's radio.

Dion, who Ritenour reported as sober, threatened the officer he would "waste" him, throw him over the edge of the road, and take the patrol unit back to Pasadena.

Dion changed attitude rapidly, Ritenour said, and was very pleasant at times and very profane at others.

Dion refused Ritenour's offer of a ride from the isolated area and started to walk away. Ritenour's son David Glen Ritenour, 14, riding as an observer, saw Dion pick up a rock and start to return to the patrol unit. Young Ritenour warned his father who called to Dion to stop and drop the rock.

Dion continued toward Ritenour who drew his revolver and repeated the warning. When Dion continued, Ritenour backed up a few steps and pulled out his baton. He stopped backing and Dion continued toward him. Ritenour pushed him in the chest twice with the baton then struck Dion over the head. The rock fell from his hand as he fell to the ground.

Ritenour called for assistance and a CHP sergeant and two officers, three forest service rangers and two sheriff's deputies responded to the scene.

Dion was given six stitches at Antelope Valley Hospital to close the cut in his head inflicted by the baton. He was booked at the sheriff's station at 11:10 p.m. for felony assault on a peace officer.

Dion said that he was intending to throw the rock through the windshield of the patrol car.

In Sirhan's possession at the booking procedures was a copy of the state's penal code.

Indicate page, name of newspaper, city and state.)

Page 1
L[illegible]
Lancaster,
California

Date: 10/27/70
Edition: Tuesday
Author: staff
Editor:
Title: [illegible]

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OCT 28 1970
FBI — LOS ANGELES

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Thomson tells all: The Quest for Truth

(Editor's note: Faithful Bruin readers will not have to be reminded that George C. Thomson is a registered civil engineer who has spent several years investigating the alleged assassinations of John Kennedy and his so-called brother Robert. The reason is simple. The Summer Bruin published a provocative precis of the dark discoveries made by Mr. Thomson. Now, in a Daily Bruin exclusive, the unexpurgated version of Mr. Thomson's "Quest for Truth" sees the light of day in print for the first time.)

Welcome to "The Quest For Truth," the fully documented true story of the assassination of President John F. Kennedy, and presenting Southern California's well-known engineer and author, George C. Thomson.

Question: Mr. Thomson, to begin the program tonight, how did you become interested in the John F. Kennedy assassination?

Answer: Well, it is rather peculiar, and more of a coincidence. I am a graduate of the University of California and I have my own consulting engineering practice. In November, 1963, I had tickets for the traditional game between Stanford and California. And on that Friday, Nov. 22, 1963, much to my dismay, I heard on the radio that President Kennedy had been assassinated.

I subsequently found out that the tickets to the game had been cancelled. Nevertheless, we went up to Berkeley with some friends and watched this extravaganza on the television instead of going to the game.

I was convinced that the thing was mathematically impossible for the events that happened not to be interrelated with each other. So from that time on, I had a big box in my bedroom into which I threw all clippings, thinking that one day it might help me figure out what the truth was.

Question: It has certainly turned out to be an interesting subject and you have gone to great lengths to bring out the full facts of the case. Now, what is the key to the solution of the problem of the windshield bullet?

Answer: Yes, well up until Oct. 2, 1964, all I had was a vast array of information that got increasingly more confusing. But on that date, my wife was in Palm Springs and I bought a couple of magazines. This was the date that the Warren Commission conclusions were published.

I started by trial and error, which is a mathematical process, to establish where the bullets came from because this seemed to be a big mystery as far as the whole crime was concerned.

Well, I observed, after sitting up most of the night, much to my dismay and excitement, that the only way that the windshield bullet could have been effected was for the bullet to have come from the side because the front windshield and the rear windshield separating the driver from the occupants in the car were bullet-resistant windshields.

If the bullet had come from either the bridge or Depository Building it would first have to have shattered the windshield. So I drew a rough line, not knowing whether it was 50 feet or 200 feet away, and then by carefully inspecting the position of the heads of the people who were injured as to whether they moved backward, forward or sidewise, I was able to effect a similar line for what was termed the "throat bullet."

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P.11 UCLA Daily Bruin
Los Angeles, Calif.

Date: 9/29/70
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Author: George C. Thompson
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FBI—LOS ANGELES

Drawing these lines to an intersection gave me a rough point of reference as to where the bullets originated. Surprisingly enough, I made the test on all the other wounds and, neglecting the testimony of the sounds of the bullets, but just going to the wounds that were inflicted, I found that each one of these bullets would have intersected roughly at a point, not over by the Depository Building, but across from the Depository Building about five feet back from the curb.

Well, I was sufficiently versed in mathematics to know that you can't get a series of four independent lines coincidentally intersecting at a common point and not know that this was where the bullets should have originated.

Well, from that point I went to the published pictures. Lo and behold, I found a man with his arm extended, dressed in a black overcoat and a black, what looked like a, Homburg hat in the act of shooting at the motorcade.

Well, this was the start of what I termed at that point, The Quest For Truth. And believe me, it has certainly been a quest.

Question: I think it has been very interesting and certainly wonderful for someone to take the time to look into this thoroughly because it seems that many people have concealed many facts on the full explanation of the Kennedy assassination. Now, Briefly, what happened at Houston and Elm in Dallas, Texas on the day of the assassination?

Answer: Well, further research brought up a very startling observation. And that is this . . . when the Warren Commission Report was published, which is an 888-page of conclusions, there was also announced that there was 26 volumes of close testimony and exhibits that supplemented the conclusions. I sent to Washington to the Washington Printing Office for a copy and sent in my check (I think it was for $72.00). This is the most exciting and most historical piece of written material that has ever been produced in this country in the last 100 years.

After studying the testimony of the Secret Service agents who were riding in the security cars, of not only the President but the Vice President, I found that without exception all of these men testified that a firecracker was discharged almost simultaneously with the impact of the bullet. In fact, I found the testimony of one Secret Service agent, a man by the name of Agent Taylor, stated that he actually saw a firecracker on the ground. A woman bystander testified that she also saw a firecracker on the ground.

A study of the famous Altgens photograph indicates that the firecracker is actually visible in this photograph. You can see two white streaks of light that are between the car and a figure that closely resembles Mr. Oswald standing on the threshhold of the Depository Building.

So these Secret Service agents who are trained to tell the difference between caliber of bullets certainly wouldn't come to the conclusion that a firecracker was discharged, and so state in their testimony before the Commission unless they were fully convinced that this was a fact.

Question: Well, then your basic conclusions are then, of course . .

Answer: Well, the basic conclusions are quite obvious. At least two firm conclusions can be drawn at the time of this investigation, meaning my investigation and that was; that Oswald certainly didn't shoot the President and second, the evidence of the firecracker indicates that there was a conspiracy.

Question: I believe you have proved this conclusively in the evidence you presented to me. I can see by the many documents you have in front of you that much of the proof is here. Now I understand that further research has discovered that President Kennedy wasn't in the car at the time of the so-called assassination of President Kennedy.

Answer: Now the fact that President Kennedy was not in the car was the result of an entirely unexpected development. I made a radio broadcast at the courtesy of Mr. Tom Duggan and I brought out the facts I have just stated; that there was a conspiracy and I concluded that there was a counter-plot at the time of the assassination which involved Oswald, who I concluded was a secret agent of the federal government and had actually discharged the firecracker in order to simulate an assassination and catch the people who were responsible for the attempt. Well, Mr. Duggan was adamant and he told me on the radio that this was absolutely nonsense because the President wouldn't allow himself and his wife to go down the street with the bubble-top off and be subjected to a possible assassination if he and the Secret Service knew that such an assassination was planned. Well, this I could understand was the truth . . . that Mr. Duggan was stating the truth . . . and I knew that I was stating the truth . . . and it developed into a search to see if the actual understanding that these two basic truths could be reconciled. Well, I found, amazingly enough, there was supporting evidence to the effect that President Kennedy was not in the car.

Now this amazing development has led into a labyrinth of other conclusions and it reaches into the highest annals of the government; it touches on all sorts of philisophical and religious aspects; it is indeed a shocking discovery.

Question: Well, I would like to ask you one question. Have you presented this to the government figures involved?

Answer: Yes, and this is all set forth in my book, "The Quest For Truth," as my effort to get some responsible government official to like this thing and

clean it up because I saw it as a danger to our life, a danger to our historical democratic processes and everything people have been fighting for in this country through all of the wars up to date.

Question: Well, I have seen some of the documents that are replicas of the original requests that you have sent to different people just asking their information or maybe their affirmation of your conclusions and it seems that most of them shrug it off as unimportant or attempt to bypass the actual answering of the question.

Answer: Well, I felt that each time this matter came up I'd search my conscience to see what was the proper thing to do and, of course, on Oct. 2 when I found the basic answer to this thing, the next day I called the Federal Bureau of Investigation in Washington long distance and gave them the essence of what I had found. About two or three days later, an agent of the FBI came into my office and I showed him all my documents and he went away thoroughly convinced that what I had was the absolute truth.

Question: And what did he do to take care of the situation . . . After being convinced?

Answer: This is a very disturbing thing and it is perplexing. And it has only been recently I believe I have found the reason for the seeming inaction by the Federal Bureau of Investigation.

Question: Well, what is the reason?

Answer: Well, I think the reason is that the problem is so vast, so absolutely vast, that it isn't something . . . that the simple thing to do is to go out and arrest the people and put them in jail and try them . . . but I'm finding out it is much more complicated than that. Our judicial system, our executive system and our legislative system are so involved in this terrible thing that it is not a simple matter of arresting somebody for a crime as you would normally expect in our country, for such steps to be taken.

Question: It seems that the easy thing to do, as far as the government is concerned or the people who are involved, would be to look at the facts and to make a definite decision and give you an answer, "Yes" or "No" [illegible] whether these facts [illegible] correct.

Answer: Then of course [illegible] hopefully [illegible] of being [illegible] I sent this material to [illegible] papers, to television stations, to government officials. I wrote [illegible] Charles de Gaulle [illegible] people. Winston Churchill [illegible] he was alive. Adlai Stevenson just before his sad demise. I begged Mr. Thant, the Head of the United Nations for assistance in this thing, and now I find myself to the point where I have to go on my own radio program expending my own funds in order to bring this massive fraud to the attention of the American people.

Question: Well, I think it is a very good idea. I think you should present this to the American people and let them make their own decisions as to the facts in the case and the many things that have been covered up.

Answer: At this time I would like to get into some of the latest developments that we have found in this conspiracy. As I have stated, John F. Kennedy was not in the car and, consequently, was not killed on that date. Curiously enough, I found in my research a very reputable magazine from New York which carried a story that someone had secretly made a tape from which Earl Warren had stated to some news reporters that President Kennedy, contrary to reports, had died of natural causes.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Charach probe goes on

investigator-documentarian Theodore Charach is hunting down clues regarding the whereabouts of the so-called "Albuquerque woman" in the Bobby Kennedy assassination mystery.

The *Free Press* learned exclusively that an unidentified assassination witness called Beverly Hills attorney Godfrey Isaac during the "witch hunt" against Dr. Thomas T. Noguchi, the chief Los Angeles County medical examiner and coroner, whose civic job was reinstated after the bizarre charges against him dealing with the Senator Robert F. Kennedy autopsy were dropped during the Noguchi hearings. This witness was known as "Albuquerque" and expressed vital information and evidence crucial to the Bobby Kennedy kitchen pantry execution. Under extreme fear and intimidation, the Isaac office offered the "Albuquerque woman" alleviation by offering to send for her testimony in private arrangements.

Prober Theodore Charach has appealed to the "Albuquerque woman" to contact him immediately by writing details, address and phone number currently to the *Free Press* office, 7813 Beverly Boulevard, Los Angeles, California. Charach has requested witnesses with information, new testimony and photographs relevant to the R.F.K. assassination to write requesting interview appointments. Important new developments are pending in the case.

It is also announced that *Computers and Automation*, the scientific and technical magazine based in Newtonville, Mass., in October will feature a special comprehensive report of the Theodore Charach probe. Charach's elaborate discoveries, for which he has taped and filmed evidence, will be channeled into computer analysis for research and factual accounting of the Bobby Kennedy tragedy, the story of Sirhan and the involvement of other conspiratorial operatives. Editor Ed Berkeley will supervise the R.F.K. operation, augmented by J.F.K. investigator Richard E. Sprague, whose extensive photo analysis of the Dallas conspiracy in the elimination of President Kennedy received widespread acclaim in the May and July issues of *Computers* magazine. When Sprague congratulated Charach on his 26-month research and documentary of the R.F.K. assassination, Eastern facilities for film and photographic scientific analysis were offered. Charach will make special journeys to New York and Washington, under the auspices of the National Committee to Investigate Assassination, coordinating the findings in the assassinations of J.F.K., M.L.K. and R.F.K.

The international press has committed itself to coverage of the new Charach revelations—breaking the domestic suppression on policy—with the London *Telegraph* leading off in a feature story July 26 by Los Angeles correspondent Gloria Geale, releases in Australia's Truth Tabloids, broadcasts by Gerard Alcan over Europe One, and the extraordinary interviews with Karl Uecker, corroborating Charach's audio-visual material in the German press filed from Hamburg this month.

(Indicate page, name of newspaper, city and state.)

Page 2 Free Press
Los Angeles, Calif.

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AUG 26 1970
FBI — LOS ANGELES

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(Mount Clipping in Space Below)

Undercover Agent Led to Kennedy Drug Count

BARNSTABLE, Mass. (UPI)—The taxi driver who took Robert F. Kennedy Jr. to retrieve a pet falcon July 10 was an undercover narcotics agent whose actions led to the arrest of the boy and his cousin Robert Sargent Shriver III on marijuana charges that night, it was learned Friday.

UPI also learned the two youths will be leaving the Kennedy compound on Nantucket Sound "as soon as possible" to spend time with relatives.

Kennedy, son of the assassinated New York senator, will return to McLean, Va., while young Shriver, Kennedy's cousin and son of the former ambassador to France, will go to New York, a family source said.

Kennedy's pet falcon escaped July 8 and the boy broke his right wrist falling from a tree when he tried to retrieve him. The bird was captured two days later in Cohasset, about 60 miles across Cape Cod Bay, near Boston.

Young Kennedy took a taxi to Cohasset to recover the bird that day, the 10th. The taxi driver "was definitely an undercover agent" investigating the rise of narcotics use on Cape Cod, a police source said. He declined to identify the driver-agent or elaborate on the way in which he helped in the arrests.

The names of the two youths were taken by authorities the night of the 10th in a drug raid in Hyannis Port but not in the family compound. The incident was not revealed until Wednesday, a day after the boys were served with juvenile warrants charging them with illegal possession of marijuana and conspiracy to violate the state drug laws.

They appeared Thursday in the juvenile session of district court and received a stern lecture from the judge, who continued their case along with those of 100 other juveniles—all reportedly first offenders, like Kennedy and Shriver—for a year without finding.

(Indicate page, name of newspaper, city and state.)

I-7 Los Angeles Times
Los Angeles, Calif.

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(Mount Clipping in Space Below)

U.S. Halts Sirhan's Mother on Trip to Appeal for Hostages

BY DAVE SMITH
and CHARLES T. POWERS
Times Staff Writers

The State Department Tuesday blocked Mary Sirhan's trip to Amman, Jordan, where, she said, she hoped to talk Palestinian guerrillas into releasing hostages held on two hijacked airliners.

Mrs. Sirhan, mother of the assassin of Sen. Robert F. Kennedy, left Los Angeles Tuesday morning, announcing that she would discuss a purported guerrilla demand—later denied—that her condemned son, Sirhan Bishara Sirhan, be released from San Quentin Prison's Death Row in exchange for the prisoners.

But when Mrs. Sirhan, accompanied by Los Angeles attorney Luke McKissack and his investigator, Michael McCowan, arrived at Kennedy Airport in New York, her party was met by State Department officials. The officials halted the trio's flight to Athens, which would have been the second leg of their trip to the Jordanian capital.

Mrs. Sirhan wept bitterly and McKissack charged the State Department with a "dastardly action without legal foundation."

In Washington, a State Department spokesman said the passports of McKissack and McCowan were revoked. The spokesman said the secretary of state may revoke the passport of any U.S. citizen if he deems their activity abroad "would be prejudicial to the foreign policy of the United States government."

Mrs. Sirhan, who is an alien, did not have her passport revoked, but permission for her trip was denied. The State Department said an alien may be prevented from leaving or entering the country for the same reasons.

It was understood that the State Department believed delicate negotiations involving four other nations might be imperiled by Mrs. Sirhan's journey.

McKissack, who is now preparing Sirhan's appeal of the death sentence, said the party plans to return to Los Angeles today.

Mrs. Sirhan made the decision to take the trip suddenly.

"I was shocked to hear that they would take human lives," she said of the first reports that Sirhan and Arab prisoners in other nations had been named as ransom for the hostages, who, guerrillas said, would be killed if the "ransom" were not forfeited.

Mrs. Sirhan, McKissack and McCowan had been scheduled to leave Los Angeles about 8:45 a.m. via Trans World Airlines, but were delayed about an hour while TWA officials took extra security precautions, including a bomb check. One of the hijacked airliners now held in the Jordanian desert is a TWA Boeing 707.

Mrs. Sirhan, McKissack and McCowan flew to New York, where they were to meet Adel Sirhan, 31, the third of Mrs. Sirhan's five sons, and go to Amman.

Adel flew to New York at 1:25 a.m. Tuesday to clear up passport difficul-

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

Date: 9/9/70
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Author:
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SEP 9 1970
FBI — LOS ANGELES

ties, McCowan said. The Sirhans, though Pasadena residents for more than 13 years, are Jordanians and classified as resident aliens.

Mrs. Sirhan was accompanied to the airport by her youngest son, Munir, 21, who said his mother made up her mind to go to Amman Monday, after first hearing that the guerrillas were demanding Sirhan's release.

He said Mrs. Sirhan told him, in Arabic: "I will go to the far corners of the earth to find peace."

Asked before her departure why she had decided on the venture, Mrs. Sirhan had said, "I am like the rest of the people. I'm tired of war, I'm tired of fighting, I'm tired of killing and bloodshed. We must have peace."

Asked then who was financing the trip, McKissack had said he hoped to explore the possibility of doing a profitable television program when the venture is finished. He also suggested that TWA might be willing to help with the expenses, since it owns one of the hijacked planes.

McKissack had said the purpose of the trip was three-fold: "First, we want to find out if the demand for Sirhan's release was genuine. Then we want to interview the passengers and find out their condition and their desires. And also, Mrs. Sirhan wants to make an earnest plea that no blood be shed or lives lost."

McCowan said Sirhan—whose first words after shooting Kennedy on June 5, 1968, were "I did it for my country"—has become a national hero to the Popular Front of the Liberation of Palestine.

It was a PFLP guerrilla spokesman in Beirut, Lebanon, who first voiced the demand for Sirhan's release. The PFLP command in Amman later denied, however, that Sirhan was part of the package.

At first report of the demand Monday, Long Beach attorney George Shibley, part of Sirhan's defense team and himself of Lebanese background, flew to Beirut to investigate.

Later the PFLP denial was issued, but Mrs. Sirhan, without hearing further from Shibley, made up her mind to go anyway.

At San Quentin, Assistant Warden James Park said Sirhan had heard of his mother's mission on the radio, but expressed no particular reaction.

The suggestion that Sirhan might one day be exchanged for Palestinian hostages was first made more than one year ago, near the conclusion of his trial.

Then-defense attorney Russell Parsons said Sirhan had hinted at the possibility and it was also discussed in a limited way by Detroit attorney Abdeen Jabara, also of Lebanese extraction and active in pro-Arab causes.

Tuesday's spur-of-the-moment flight from Pasadena was not Mrs. Sirhan's first such impromptu peace mission.

Last October she flew, with little notice and no invitation, to New York in hopes of addressing the U.N. General Assembly on behalf of world peace.

She was disappointed in that aim, but instead was given a 15-minute interview with Under Secretary for General Assembly Affairs Constantin Stavropoulous.

DEPARTURE—Mary Sirhan on way to plane here with son, Munir, left, and attorney Luke McKissick.
Times photo by Fitzgerald Whitley

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

NAMED IN HIJACKING—Leila Khaled, 25, identified by police as the female accomplice in the bloody hijack attempt over England, had a gun close at hand in this recent picture. She is the Palestine Liberation Movement's best known exponent of "Women's Lib." She was overpowered in the hijack attempt.

(Indicate page, name of newspaper, city and state.)

I-2 Los Angeles Times
Los Angeles, Calif.

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Bomb Check Delays Mrs. Sirhan Jet

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
Los Angeles, Calif.

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18 SEP 9 1970
FBI — LOS ANGELES

Sirhan's Flight to Jordan Delayed by Bomb Search

Sirhan B. Sirhan's mother flew to Amman, Jordan, today to meet with Palestinian guerrillas over reports that they have demanded her son's freedom. Her giant 747 jetliner was delayed more than an hour at Los Angeles International Airport for a bomb search.

The Trans World Airline plane lifted from the runway at 10 a.m., bound for the Mideast after passengers and luggage were thoroughly checked.

The plane was scheduled to leave at 8:45 a.m. TWA officials said that the wave of hijackings in the Mideast prompted a "positive baggage search."

Each passenger boarding the plane was asked to pause on a metal detecting device.

Mrs. Mary Sirhan and her son, Munir, boarded Flight 100 with no comment to waiting newsmen at the airport.

Atty. Luke McKissack, who represents the 26-year-old convicted assassin of Sen. Robert F. Kennedy now on San Quentin's Death Row, accompanied the Sirhans on their flight to Amman.

While leaders of the Popular Front for the Liberation of Palestine have declared they did not ask the release of Sirhan as part of an exchange for 180 passengers and two jet planes, McKissack was optimistic about the journey.

The lawyer told newsmen that he and Mrs. Sirhan "have reason to believe the authenticity of the report that Palestinian guerrillas have demanded the release of Sirhan."

"One of the things we are going there for is to determine whether Sirhan's release is, in fact, an issue," McKissack said.

He said that he felt that it was his duty to a client awaiting a death sentence to consider any means for his release.

McKissack said that Mrs. Sirhan is determined "to earnestly entreat" the guerrillas to take no lives.

The attorney said that he has had no contact with leaders of the Popular Front, and the trip to the Mideast is in no way linked with efforts of the U.S. State Department to free Americans seized as hostages by the plane hijackers.

An Arab guerrilla in Beirut, Lebanon, yesterday reported the release of Sirhan, on Death Row since May 23, 1969, as a condition for the safe return of passengers aboard the two captured airliners.

Yesterday, McKissack said that Mrs. Sirhan favored the release of her son to insure the well-being of both Sirhan and the hostages.

When guerrilla leaders later denied the Sirhan demand, Mrs. Sirhan was unavailable for comment. She had broken down in tears earlier at a news conference.

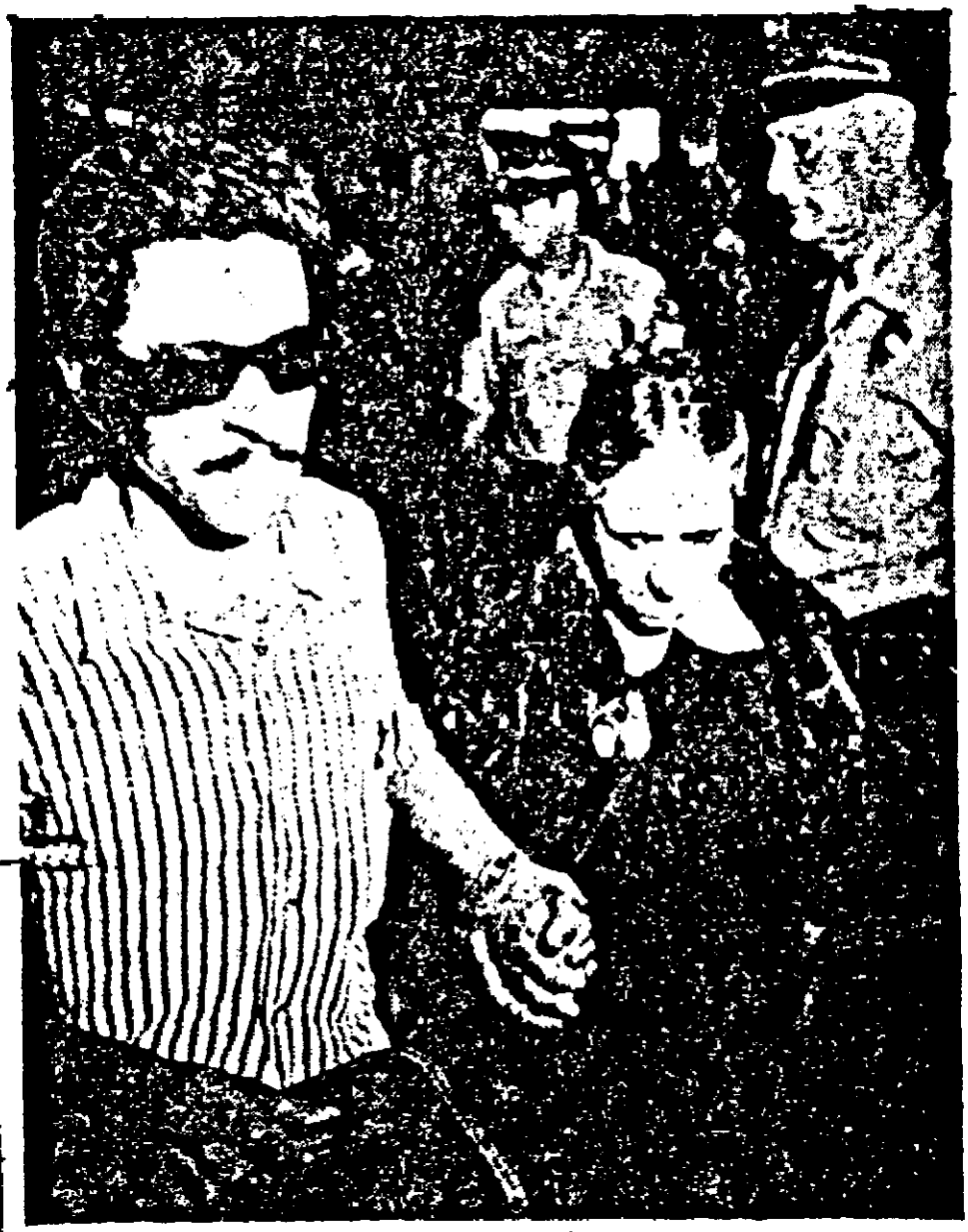
McKissack said that an associate of his during the Sirhan trial, George Shibley, had flown to Beirut when reports of the demand for Sirhan's release began circulating yesterday.

Sirhan previously had expressed belief that he will be freed through some sort of prisoner exchange.

Detroit Free Press photo by Michael Hawkins

PASSENGERS INCLUDING SIRHANS, WAIT ABOARD TWA 747 JET WHILE AIRPORT OFFICIALS SEARCH LUGGAGE FOR BOMBS

Tension in Mideast and rash of hijackings prompted complete search of those boarding plane and all baggage placed aboard



—Herald-Examiner Photo

MARY SIRHAN AND SON MUNIR LEAVE TO BOARD JETLINER

Pair passed under careful eye of airport guard as extra security was in force

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

U.S. BANS MRS. SIRHAN'S TRIP TO SEE GUERRILLAS

NEW YORK (AP) — Mary Sirhan called off a planned trip to Jordan Tuesday night when the U.S. State Department revoked travel papers for her and two lawyers accompanying her on the trip.

Today Mrs. Sirhan issued a plea to Arab guerrillas in her native Jordan today to free their 180 airplane hostages because it "is in our blood to forgive and release."

Mrs. Sirhan said at a news conference at Kennedy International Airport she hoped her distance from the guerrillas would not "weaken my message."

Mrs. Sirhan said she planned to return to Los Angeles Thursday.

Mrs. Sirhan said although "just like any mother," she would like amnesty for her son she wanted to meet the guerrillas in Amman for humanitarian reasons.

"I would plead to them, 'Don't forget you are an Arab and don't forget the earlier times before Israel-this is in our blood to forgive and release,'" she said.

Mrs. Sirhan, mother of Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy said she wanted to talk with Arab guerrillas.

A State Department spokesman, confirming the revocation, said "it was thought it—the trip—would be prejudicial to U.S. interests" while negotiations were continuing for the release of 178 airline passengers being detained in Jordan by Palestinian guerrillas.

"It was being done at a time when the most serious negotiations were going on," he said. "Our central concern is the safety and return of all the people aboard the planes."

The spokesman said the two lawyers' passports were ordered revoked and Mrs. Sirhan, an alien not carrying a full-fledged Jordanian passport, was included in the order.

Luke McKissack, her attorney, and an investigative aide, Mike McCowan, said their passports were canceled upon arrival at Kennedy Airport from Los Angeles Tuesday night. McKissack called it "a dastardly action without legal foundation."

Appearing with them at an airport news conference, Mrs. Sirhan said repeatedly, "We need to understand each other."

"The (Palestinian) guerrillas have no houses, no homes. They have been tormented for 22 years. Their beds are the ground," she said.

The projected trip to Amman was arranged following a report that Sirhan's freedom was among stipulations made for the release of the jetliner passengers in Jordan. Later, however, the Popular Front for the Liberation of Palestine denied this.

A young Palestinian Arab refugee, Sirhan has been in the San Quentin prison death row since his conviction last year of the 1968 assassination. Sirhan said he shot Kennedy because the senator advocated the sale of American jet bombers to Israel — in Sirhan's words, "A friend of my enemy is my enemy."

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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—AP Wirephoto

TRIP CANCELLED FOR MRS. SIRHAN

Mother weeps after learning of U.S. ban

FD-350 (Rev. 7-15-63)

(Mount Clipping in Space Below)

RFK probe rally due

IVAN DRYER —

In the American system of jurisprudence a man is to be considered innocent until proven guilty "beyond any reasonable doubt." According to that maxim, Sirhan Sirhan should be considered innocent until the witness testimony and evidence unearthed in the Theodore Charach probe is fully tested in a court of law. Charach's findings have cast *more* than a reasonable doubt on Sirhan's guilt as the murderer of Robert Kennedy.

That Sirhan Sirhan could be considered innocent while held in virtual solitary confinement on San Quentin's death row should be front page news. And it *was* in the June 12 *Free Press*, but not for the remainder of the press and most of the other news media. They are sitting on one of the major news stories of the decade and are being repeatedly scooped by the "underground" *Free Press*. And not accidentally so.

After this issue became a very personal one to me when my wife was attacked Saturday, June 27, by two intruders demanding information in the case (see the July 3 *Free Press*), I personally telephoned the city desks, assignment editors or news directors of every major local newspaper and TV station, and many of the large radio stations as well. Except for a few outlets, such as KHJ radio, my appeals for coverage to help prevent a recurrence of such violence by exposing it to the people were ignored or suppressed. Since I was told that City News Service served as the news clearing house for almost all local media except the newspapers, I spoke to them on Sunday. (Most of the media I called asked if City News Service had the story— and I thought that it did.) The press and media were invited to our home Monday at noon to receive the details of the incident and see the cuts on my wife's face and the bloodstains from those cuts. One reporter for the Hollywood *Citizen News* showed up. The *Citizen News* didn't run her story.

Tuesday I called Mr. Eric Schuman, Assignment Editor of City News Service, asking him why he hadn't released the item. I pleaded with him to do so for our protection (for by now I was very angry and even more shaken by the whole thing). He said that he had serious reservations about the credibility of *anything* related to Charach's investigation (even if somebody is choked and cut because of it) and he was waiting for a report from the North Hollywood police in our case. (Schuman, a former KNXT employee, had earlier put a freeze on *all* items relating to the probe—including the news of the original lawsuit.)

Evidently the report was favorable because on Wednesday, KHJ-TV sent out a crew, as a result of picking up the item from City News Service, and filmed an interview with my wife and myself. The interview was shown on the Baxter Ward news that night and again the next day on the Channel 9 morning news. The interviewing reporter said he thought it likely that Channel 9 Tempo would contact us for an in-depth TV interview. They haven't. Neither has anyone else. Either it was by then too late to be newsworthy or... Meanwhile, we are still sleeping uneasily (although the police *have* been watching the house); my wife is still being followed when she leaves alone; two cars cruised and parked in front of our house at length this past week (we got the license number of one); and the *Free Press* is still the *only* game in town for reporting what is going on.

It should not be said that others aren't still interested. The *Los Angeles Times* has said it is doing a thorough investigation of our situation and of Charach's assertions. However, while they did say the police had an "unusual curiosity" about our case, they have as yet printed nothing. And CBS news producer Peter Noyes has found time to contact Sirhan appeals attorney Luke McKissack and others on several occasions in order to "clarify" what happened in the Ambassador pantry on June 5, 1968. Perhaps his action was in order that any open minds might not be unduly prejudiced by the witness testimony in Charach's tapes (much of which was transcribed in the July 3 *Freep*) or so that the testimony might not conflict with his own theories and their dissemination.

(Indicate page, name of newspaper, city and state.)

Pg. 2 Free Press
Los Angeles, Calif.

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As the *Free Press* reported last week, KTLA's Robert K. Dornan show (on which Charach, Mrs. Sirhan and ourselves originally appeared the night after the attack took place) cancelled our return appearance scheduled for July 18. In view of this, and of the important announcements Mrs. Sirhan will make at a news conference later this week, we felt an alternate forum was called for.

Saturday, July 25. The Echo Park Commission on Law and Order will provide an opportunity for the cancelled Robert K. Dornan segment to take place *without* Robert K. Dornan, KTLA's auspices or any mysterious outside pressures. We will even invite ex-chief Tom Reddin, who was advised by KTLA attorneys not to appear on the Dornan show because whatever he said might be used against him if a new trial were opened, according to Dornan's producer Mike Casey.

The press will also be invited to hear Mrs. Sirhan, Mr. Charach and other witnesses discuss the case and listen to some of Charach's recorded evidence. Also present will be Jeff Brent, Continental News reporter with Charach at the Ambassador, who recorded the actual assassination and the subsequent interviews of eyewitness Donald Schulman who claimed then (as verified by a Jerry Dunphy newscast that night) and does now (despite severe pressures to recant) that a security guard fired and hit RFK.

This benefit rally and hearing of evidence will take place at 8:00 p.m. at the Sepulveda Unitarian Universalist Society Church, which you'll remember as the site of Chicago Seven Attorney William Kunstler's appearance earlier this year (see the Calendar section for details).

At the rally, the Echo Park Commission will announce further plans for its March on Washington set for Nov. 22 of this year to demand new, honest and open investigations of the American political assassinations of the 1960's. Photographic evidence dealing with the JFK conspiracy and its coverup will also be presented, and items of evidence will be made available to the public.

It is often asked, "Sure, this is important, but what can I do?" Visit us and we'll give you some simple but very effective— and powerful— ideas. It is not impossible unless we continue to think

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mary Sirhan joins hunt for RFK assassin

IVAN DRYER

This Friday, June 26th, Mrs. Mary Sirhan will join RFK assassination researcher Theodore Charach for a TV show taping at which she will ask for a new trial for her son (now on San Quentin Death Row), based on Charach's recent announcements on the case. The taping, for the Robert K. Dornan show, will be held at the KTLA Channel 5 studios at 7:30 Friday evening, and the news media are invited to attend. The show will be aired Saturday at 10:30 p.m. on Channel 5.

Mrs. Sirhan will also announce sending a letter to the Kennedy family asking for their support in the matter. Charach will present further evidence and witnesses from his investigation, first reported in the Freep, June 12-18, 1970. Contrary to speculation by some, Charach is not dropping his probe and will continue to reveal new evidence and press for a reopening of the case.

(Indicate page, name of newspaper, city and state.)

Page 1 Free Press
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FD-350 (Rev. 7-16-63)

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Assassination suppression

Columbus Wadsworth

Theodore Charach, the free-lance investigative journalist who last week made the sensational announcement that Sirhan B. Sirhan did not kill Sen. Robert Kennedy, stated today that the Los Angeles newspapers have almost completely "blacked out" the story.

He accused the Los Angeles Times, the Herald Examiner, the Hollywood Citizen-News, the Associated Press, United Press International, Time, Newsweek and Life of "completely failing the people" in their responsibility to disclose the highly explosive new discoveries in the Robert Kennedy assassination case.

"The news media are under severe pressure to withhold and suppress new findings and conceal new evidence in the case," Charach said.

He reserved his heaviest criticism, however, for Peter Noyes, CBS-TV news producer, who, he says, deliberately distorted and misrepresented the information Charach and his attorney, Godfrey

(Indicate page, name of newspaper, city and state.)

Page 8 Free Press
Los Angeles, Calif.

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Isaac, disclosed at a press conference last week. "Noyes," Charach said, "who has a pipeline to the intelligence section of the Los Angeles Police Department, bad-mouthed and character-assassinated the sincerity, dedication and veracity of the Charach probe, including the legal representation of Mr. Isaac, who successfully defended the position, stature and character of Dr. Thomas Noguchi, Los Angeles County Medical Examiner and Chief Coroner, who was almost destroyed in his public career in 1969 by the wild, bizarre and incredible charges levelled in the Robert F. Kennedy autopsy.

"At the time of the Civil Hearings in the Noguchi hearings, phone calls between the D.A.'s office and the Noguchi proceedings were rampant, with County Counsel Martin Weekas declaring if the Noguchi medical examination into the R.F.K. wounds were publicly disclosed and defended there would be 'intentional repercussions.' Now the repercussions—from a disillusioned America and a world citizenry appalled by the official L.A.P.D. fraud—have come home to haunt the offices of District Attorney Evelle J. Younger and Assistant Chief of Police Robert A. Houghton of the L.A.P.D. Detectives Branch who, while under the employee of the California taxpayers and BEFORE the constitutional rights of defendant Sirhan Bishara Sirhan are exhausted in higher courts of law, authored a book, the HOUGHTON REPORT, a deliberate official attempt to vindicate the local law enforcement agency, the L.A.P.D., in one of the most appalling miscarriages of investigative and judicial processes in American criminal court history."

Charach stated that he has witnesses who will confirm that at least three men fired guns at the time and place Sen. Kennedy was assassinated, and that Sirhan could not have inflicted the wounds that killed Kennedy.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

WHO REALLY KILLED RFK?

New evidence that Sirhan missed Bobby

IVAN DRYER

Thursday, June 4, Attorney Godfrey Isaac filed a complaint against the Los Angeles Police Department and the District Attorney's office on behalf of his client, Theodore Charach.

The complaint, for disclosure of information under the Brown Act (Gov. Code 54950), charges defendants Edward M. Davis (then Deputy Chief of Police), District Attorney Evelle J. Younger, and Robert A. Houghton (then Chief of Detectives) with "deliberately, intentionally and knowingly" suppressing "fact and evidence" relating to the assassination of Senator Robert F. Kennedy, June 5, 1968.

At a news conference held last Thursday morning, Isaac and Charach referred to the above mentioned facts and evidence which their complaint alleges to have been suppressed, as follows:

A. An employee of KNXT, Donald Schulman, positioned behind Kennedy, saw a security guard, also behind Kennedy, fire his hand gun and saw Kennedy hit by *three* bullets. Schulman was never called by Defendant Younger to testify.

B. The Ambassador Hotel maitre d', Karl Ueker, grabbed Sirhan after the *second* shot fired by Sirhan, subdued him with help from Rafer Johnson and Roosevelt Grier, then saw a security guard holding a gun in his hand. This evidence was not presented to the Grand Jury or at Sirhan's trial.

C. Contrary to Defendant Houghton's declaration in his book, *Special Unit Senator*, that no right-wingers could have been present at the scene, a supporter of George Wallace who has expressed (on tape) his disdain for the Kennedys, and especially Robert because of his identification with Blacks, was present in the person of Thane Eugene Cesar. Cesar was a part-time security guard, hired through a guard service by the Ambassador Hotel.

D. Cesar was walking with Kennedy and Ueker through the kitchen when Sirhan started shooting, at which time Cesar admits drawing his gun and being in a position behind and below and in close proximity to the senator.

E. The autopsy of Senator Kennedy, performed by coroner Thomas Noguchi, revealed that Kennedy died from a gunshot wound received from the *rear*, behind the right ear, with an *upward* trajectory. Further, the autopsy shows that Kennedy sustained two contact gunshot wounds under his right armpit. None of the three shots was fired from a distance *greater than six inches*, and the fatal wound was inflicted from only *one to three inches behind* Senator Kennedy's head. Defendant Younger's deputies asked only general questions of Noguchi at Sir-

(Indicate page, name of newspaper, city and state.)

Page 1 Free Press
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han's trial, thus the specific *number* and *direction* of the woundns was never established for the jury and the people. Sirhan, incidentally, was said by witnesses to be standing *four to six feet in front* of the senator.

This Monday morning, June 8, Charach and Isaac announced on Channel 9 that they were withdrawing the complaint so that the media and the defendants would have an opportunity to assess *all* of Charach's findings, which, he says, he will release to them with the proviso that it be reviewed fairly and impartially.

Godfrey Isaac, you will remember, successfully defended Noguchi against the witchhunt last year in which the county tried to remove Noguchi from office with a barrage of incredible charges. Isaac said he became interested in this case when the county decided to drop all charges against Noguchi after he, Isaac, indicated he would introduce evidence relating to the Kennedy autopsy (Deputy County Council Martin Weeks at that time stated that the introduction of such evidence would cause "international repercussions").

Thus, Isaac was naturally receptive to the findings of Theodore Charach, a former TV newscaster, who was covering the Kennedy campaign for Continental News Service; he was in the kitchen, and is an official witness in the case. Charach has been for two years privately investigating inconsistencies he discovered by virtue of his being on the scene and in interviews with other witnesses and individuals connected with the case which he has taped and is releasing in full. He also will release additional evidence including that of yet a *third* gun firing in that kitchen and photographs damaging to the official version of the assassination.

At Thursday's conference he mentioned other photos he alleges were taken of the shooting itself by a student who was chased by a security guard then surrounded in front of the hotel by six policemen with drawn guns. His camera and its contents were confiscated. The camera was returned, but all the film was not, according to Mr. Charach. Needless to say, those pictures were never published.

Neither has there been much publishing about Thursday's news conference and its import in local newspapers and other media. Only non-network TV stations, notably Channel 9, carried the story Thursday. The networks waited until Friday, for whatever reasons, and the papers were conspicuous for their loud silence. One reporter, visibly stunned by the contents of the news conference, had his story withheld by his paper.

The defendants, however, have privately been more vocal in their editorializing to the plaintiff and his attorney. It might be interesting to learn the nature and extent of any communications on this matter between the defendants and the media, or whomever else it may concern.

Robert Kennedy's murder investigation was the longest and costliest criminal proceeding in Los Angeles history, but 4,818 interviews and over $1 million in taxpayers' money evidently failed to come close to the truth. Therefore, in addition to the release of the whole truth about the RFK assassination, another object of the action filed by Charach is to create a permanent *Federal* Board of Inquiry, exclusive of existing agencies, for the full and impartial examination of all murders involving national political figures. Such a board, if it could be created, would hopefully be constructed along the lines of the President's Commission on Crime and Violence (whose recommendations were not followed), as opposed to the Warren Commission (whose findings were). In the interest of law and order it might be useful to have some formal means of implementing justice in previous political assassinations (the official "investigation" of none of which stands up to scrutiny). This might even serve to prevent future killings if the killers knew that their chances of getting away with it would be less.

STATEMENT TO THE PRESS

(The following statements were made by Theodore Charach, a free-lance journalist, at a press conference last Thursday. Charach has spent the past two years studying the assassination of Senator Robert Kennedy)

Sirhan Bishara Sirhan did not—I repeat— *did not* succeed in his attempt to murder Senator Kennedy within minutes of his California Democratic primary victory in the 1968 presidential campaign. Sirhan tried and failed. In our earnest opinion, Sirhan...because of the unique circumstances of the case, is unaware even now that he did not fire the weapon that killed Senator Kennedy.

At fifteen minutes past midnight, there were two political extremists inside that kitchen pantry of the Ambassador Hotel on the fifth of June, 1968. At the moment of firing, Sirhan was situated in front of both Senator Kennedy and

the former Ambassador Maitre d' Mr. Karl Uecker.

Behind Senator Kennedy, at extremely close range, on the presidential candidate's rightside, was Thane Eugene Cesar, a private security man, he was neither working full-time on the staff of the Ambassador nor employed directly by Senator Kennedy's staff. Cesar was part of a small external security force brought into the hotel from the outside. Mr. Cesar is a far right extremeist, a George Wallacite, who opposed both President John and Bobby Kennedy, the Kennedy family, the Democratic party and the political philosophical aims of presidential candidate Bobby Kennedy.

Our two year probe conclusively reveals that "Gene" Cesar— as he is commonly known— drew his own gun instantaneously with the gun of Sirhan popping in front of Karl Uecker; there was a significant pause after the second shot. Eyewitness Donald Schulman, formerly affiliated with KNXT news in Hollywood, California—the Columbia Broadcasting System— witnessed this double shooting. Former Deputy District Attorney, David Flynn, informed the jury in the Sirhan trial, that the first bullet probably killed Senator Kennedy. The first bullet, in our opinion probably grazed Senator Kennedy. The second bullet, after the short pause, between the first and second shot, our research, concludes, passed harmlessly through the right shoulder pad of Bobby Kennedy's suit striking Paul Schrade, west coast director of the United Automobile workers, who fell to the floor with a head injury.

The next three bullets originated from the rear— from behind Senator Kennedy. The directions, according to our tapes and documentations last year with Dr. Thomas T. Noguchi, the Chief Los Angeles County Medical Examiner and Coroner, confirmed that the wound path of three bullets not only emanated from back to front, but in a conspicuous upward direction.

Of immense significance to this historic case is the fact, revealed by Dr. Noguchi, that the fatal rear bullet— behind Senator Kennedy's right ear and mastoid (the head wound)— scattered bullet fragments and left deep gun powder burns. The fragmentations were lost within the presidential candidate's brain tissue. Eye-witness Donald Schulman at the time saw a security guard, at close proximity to Senator Kennedy, draw his gun, and fire his gun. He reported to us

at the time— my own independent news service, telecommunications, augmented by Continental News Recorders, directed by Jeff Brent— that Senator Kennedy had been hit three times.

Mr. Schulman was certainly one of history's most important eyewitness inside that kitchen pantry. Yet District Attorney Younger— in his final public report to the American people in this case, in May, 1969— does not even list Schulman as a prime witness among the 199 witnesses, (including myself) who were not called to testify. To this day, Mr. Schulman has never even had an in-depth interview by the LAPD in an extraordinary case involving the death of a United States Senator. District Attorney Younger, supported by Chief Houghton, informed us all the witnesses were identified inside the Ambassador kitchen. In interviews and re-interviews— almost 5,000 persons were interviewed. Why? Nor does the Los Angeles Police Department acknowledge the fact that my news colleague, Jeff Brent, taped voice actualities inside that kitchen pantry, over the actual sound and fury of the second Kennedy assassination.

It was these tapes which aroused my professional curiosity and journalistic interest and enabled me to reach the heart-breaking conclusions that we are revealing this morning. The Don Schulman interview was recorded on the spot inside the Ambassador Hotel, only ten minutes after the assassination.

It is our sincere belief, after 24 months of continual investigation and probing— with all the key witnesses— that the American people have been deceived, duped, and a fraud has been perpetrated upon us by those law enforcement agencies charged with the responsibilities in this matter. Let us not forget that in 1968 we were robbed of a possible choice at the ballot box, an opportunity to vote for or against a potential presidential candidate. The Houghton Report is a conglomeration of official falsehood, distortions, half-truths, discrepancies and suppressed information. The Los Angeles Police Department has been derelict in its duties and performances in the service of the people. An anxious world depends on the integrity, honor and justice of this nation.

The findings and evidence, new discoveries in this sensitive case, demonstrate gross negligence, incompetence and suppression of vital evidence. In some cases, great psychological pressure and intimidation was utilized by members of special unit senators to compel witnesses "to change their personal accounts of the tragedy.

It is our opinion that Karl Uecker's heroic actions saved the life of Senator Robert Francis Kennedy before the intervention of the second weapon.

David Fitts, prosecuting the case in behalf of the people, told the Sirhan trial that Uecker probably reacted after the fourth shot. Mr. Uecker has never deviated from his testimony before the grand jury. He placed Sirhan in a firm headlock and definitely stopped Sirhan's gun from shooting in the direction of Senator Kennedy— positively and unequivocally, after the second shot— during that dramatic pause. There is a reliable witness to back Mr. Ueker in his testimony. From the morning of the assassination until now, I am grateful for Mr. Uecker's generous contribution in the interest of truth, justice and history— and furthering knowledge to the American people. It is my sincere hope that our probe will lead us all to re-examine this cancer of crisis which inflicts our political climate— the American political la-

assassination syndrome— and prevent re-occurring slaughter of our most sensitive, dedicated, moral, spiritual and political leaders.

I congratulate Dr. Noguchi who, in face of an unprecented assault on his character, integrity and medical professionalism, granted our probe the complete disclosure of the Robert F. Kennedy autopsy during his ouster in 1969. I am deeply indebted to our attorney, Mr. Godfrey Isaac, in his untiring efforts in behalf of this entire probe, for his unselfish dedication throughout the Noguchi hearings, the repudiation of those false and wild charges, and Mr. Isaac's concerned efforts and loyalty to the cause of truth, with justice.

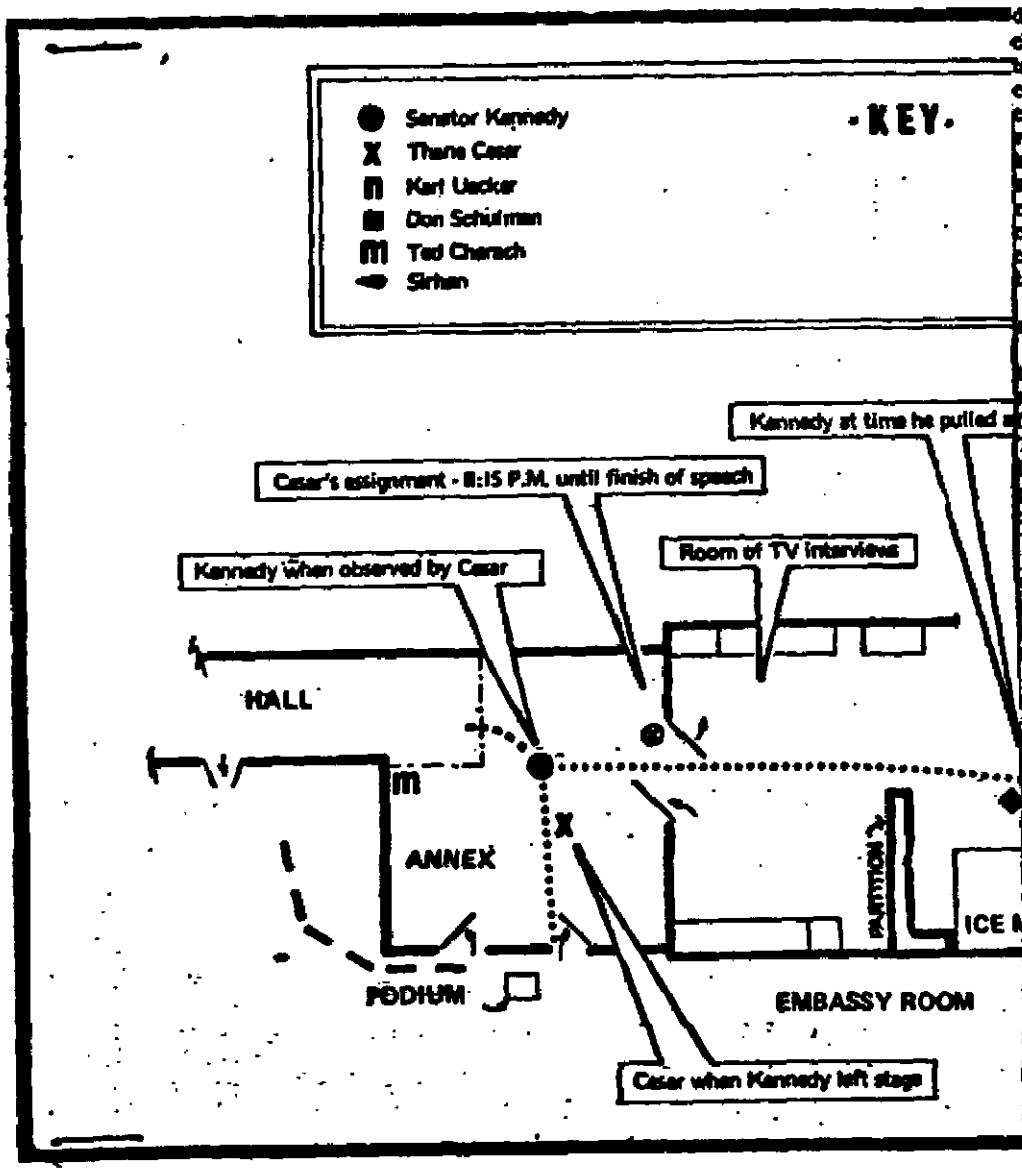
We are the witnesses, and we will not remain silent, less history judge us with the guilty. A disillusioned society requires that we do care— expecially the youth, the blacks, the poor, the disenchanted who gave everything they possibly could give in Senator Kennedy's campaign for change and reconciliation and an end to this mindless menace of senseless killings. To the countless witnesses who gave us their valuable time, their testimony, their evidence— volunteering freely this information so that the entire truth is exposed in this national tragedy— I personally extend my gratitude and thanks. In this spirit we can still arouse the conscience of the American people— for change and for truth.

I especially hope the many witnesses who have been afraid to come forth...who have been intimidated, who have something more, and truthful, to add, to this overall case...to co-operate with us, wholeheartedly co-operate for truth and justice. I know, Mr. Isaac joins me in extending an open door in this continual search for all the facts. His Beverly Hills office invites your calls. The tapes you are hearing today are brief extracts, copies from my original tapes and audio/visual documentation in the Robert Kennedy probe.

Mr. Karl Uechker has a brief statement before questions at this time, because this is a legal matter, a case for the court of law, so he will rest his testimony with our tapes, films, sound recordings and other relevant matter.

Let us join together in this spirit of concern and enlightenment and change— as Bobby Kennedy cried to every American, those who loved him and those who hated him— on the critical issues of our times. In view of the outrageous cover-up and falsehood in the Houghton Report and the Sirhan trial, we must now ask, as Bobby did, "Why did we permit it to happen? We must ask why, and you and I must ask our consciences."

Attorney Godfrey Isaacs (left) and his client, Theodore Charach, a free-lance journalist, at a press conference last Thursday, during which they announced that Sirhan B. Sirhan did not kill the late Sen. Robert Kennedy.



derson thereafter published articles containing information obtained from these documents. The court refused to hold Pearson civilly liable for invasion of privacy and likewise refused to hold him liable for the tort of conversion. (Conversion is legalese is a civil case for stealing without criminal intent, or, in other words, converting some stolen property to your own use).

In Pearson vs. Dodd the court said:

"It has long been recognized that documents often have value above and beyond that springing from their physical possession. They may embody information or ideas whose economic value depends in part or in whole upon being kept secret.

The question then arises whether the information taken by means of copying (Senator Dodd's) office files is of the type which the law of conversion protects.

"The general rule has been that ideas or information are not subject to legal protection, but the law has developed exceptions to this rule. Where information is gathered and arranged at some cost and sold as a commodity on the market, it is properly protected as property.

"Where ideas are formulated with labor and inventive genius, as in the case of literary works or scientific researches, they are protected.

"Where they constitute instruments of fair and effective commercial competition, those who develop them may gather their fruits under the protection of the law.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Sirhan Obtains Order Banning Publication of His Life Story

Sirhan B. Sirhan, 26, under sentence of death for the murder of Sen. Robert F. Kennedy, obtained a temporary court order Monday prohibiting publication of a book based on his life.

The order was signed by Superior Judge Richard Schauer after the filing of a suit in which Sirhan was joined by his mother Mary and two brothers, Munir and Adel Sirhan. The suit also demanded $2 million damages.

Included as defendants were Robert B. Kaiser, identified as the author of the manuscript; Maximilian Becker, New York theatrical agent; E. P. Dutton Co., a publishing house, and Grant B. Cooper and Russell E. Parsons, two of the three lawyers who represented Sirhan.

Sirhan, his mother and two brothers conceded that they signed the agreement in August, 1968, but they charged that they were deceived into signing.

It was represented to them, the family said, that unless Sirhan signed the contract Cooper and Parsons would not continue to represent him. The suit made no monetary demands against Cooper and Parsons.

Sirhan has received only $6,000 in advance royalties, the suit declared.

A copy of the contract disclosed that after payment of 10% commissions to Becker, 60% of the first $100,000 in royalties would go to Sirhan and 40% to Kaiser. Thereafter Sirhan would receive two-thirds and Kaiser one-third.

The contract further disclosed that from Sirhan's share of the royalties, he would assign one-half to Cooper and Parsons and one-half to his family. The half assigned to the lawyers would be in payment of fees for undertaking his defense.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

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(Mount Clipping in Space Below)

Report on End of R.F.K. Era

BY PIERRE SALINGER

On His Own: RFK 1964-68 by William Vanden Heuvel and Milton Gwirtzman (Doubleday: $7.95)

● It has been only 23 months since Robert F. Kennedy was buried at Arlington and since then the focus of most of his biographers has been on his effort to wrest the Democratic presidential nomination from the power structure of his own party.

Vanden Heuvel and Gwirtzman cover that brief and closing era of his life expertly. Both were among Kennedy's key advisers through his winter of indecision in early 1968 until his assassination on the night of his primary victory in California. And their presence at high-level strategy sessions and their day-to-day involvement with the candidate infuse their account with a pragmatism and a reality that a peripheral observer could not possibly achieve.

But their larger contribution, both to history and to the memory of their friend, is to examine his career as a public man from November 1963 until the eve of his announcement for President—the years when he was on his own after Dallas.

What emerges is a persuasive rebuttal of the criticisms that were to plague R.F.K. through his career in elective politics: that he was an indifferent senator for whom New York State was merely a temporary base; that he was a hawk on Vietnam until he was convinced that he could use it as an issue to topple Lyndon Johnson; that he was personally ruthless and opportunistic, and that his appeals to the young and the poor were expedients to create a national constituency for himself in 1972.

The authors shatter such criticism with both a documentation of his public record and a profile, that could only have been written by intimates, of a man who was constantly questioning the selflessness of his commitments.

Robert Kennedy was a highly effective and innovative first-term senator, a judgment with which his colleague, Jacob Javitz, would certainly agree. Kennedy was one of the first to speak out against the war and his challenge to Johnson's escalation came at a time when he was in the minority and when he

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Page 2 Book Reviews
Los Angeles Times
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had absolutely no intention of opposing L.B.J. for the nomination.

I believe, incidentally, that had Johnson pursued President Nixon's present policy of de-escalation, which has been at best minimal, public opinion would not have forced him to retire from the presidency.

As for the sincerity of R.F.K.'s commitment to the New Politics—and as far back as 1964—the authors prove the case beyond question: his support of the Liberal Party in New York against the far more powerful inheritors of the Knights of Saint Tammany; his leadership in the Senate in support of civil liberties and freedom of dissent, and his travels to South America and South Africa where his condemnation of both poverty and apartheid were to anger his official hosts.

Nor can there be much question that Kennedy, above all major politicians of this century, spoke most directly to the plight of the poor and the alienated of the young and still could command the support of the white middle class.

But the authors' defense of Kennedy's public record and personal motivations does not blind them to his performance as a politician. He was unable, although his tenure as titular leader of the party was short, to achieve a cease-fire in the fratricidal Democratic warfare in New York that has enabled the majority party to elect only one Democratic governor (Averell Harriman) and only one senator (Herbert Lehman) since World War II.

Vanden Heuvel and Gwirtzman also emphasize his vacillation on whether to oppose Johnson for the nomination. Jess Unruh and I were among the first of his friends to enter the lists against the president long before New Hampshire. His answer was that it would split the party, and he disagreed with us that it had already been torn apart by Vietnam and the flood-tide of animosity toward Johnson.

To many of us, however, it was clear before New Hampshire that unless there was a substantive change in his Vietnam policy Johnson was unelectable (just as it was clear, before and after the Chicago convention, that Hubert Humphrey was unelectable if he did not break decisively with that policy).

I would disagree with the authors on one point—that Kennedy had little chance of winning the nomination at Chicago. Until his assassination, major power brokers within the party—chief among them Mayor Daley—had withheld their commitments from Humphrey. They saw him as a loser if he continued to defend Johnson's war strategy. And, despite their fear of the new constituency Kennedy and Eugene McCarthy had built into a clear party majority in the primaries, Daley and the others knew that it would not mobilize for Humphrey.

Daley, for one, told R.F.K. that he would not commit himself until after the primary in California. Kennedy won there and in

South Dakota and the same day would have won later in New York. There was no question that the polls would have shown him to be the strongest contender against Nixon. I believe that R.F.K.'s strength in the polls and the appeal to old pros like Daley of a second Kennedy-Nixon confrontation would have been persuasive

It is interesting, too, to speculate on whether Nixon could have won the Republican nomination if Kennedy had still been alive. There was not great enthusiasm for him in the party and certainly not in the South. He won because of his overwhelming lead in the polls over Humphrey and because Nelson Rockefeller, through his own vacillation and his unacceptability to the South, was never taken seriously.

But with Kennedy in contention for the Democratic nomination, the Republicans would have taken a longer look at Ronald Reagan. He was an eminently more salable conservative than Barry Goldwater. He was clearly more acceptable to the South. And he did not have Nixon's taint of a two-time loser.

One must also speculate, along with the authors, on what impact R.F.K. would have had on events on the streets of Chicago during the Democratic convention—events that were to prove as damaging to Humphrey as his own defense of the war.

I believe that if Kennedy had been there, even if he had been denied the nomination, the certainty that the New Politics would have had a commanding voice in the proceedings would have been a force for order.

But all speculation was put to an end in the kitchen of the Ambassador Hotel, and we are left only with the incomplete history of one of the most dramatic and traumatic eras in our national history.

"On His Own" is a significant contribution to that history. For those who were for Robert F. Kennedy, the book will have a special importance because he comes alive in its pages. For those who were against him, it may help them to understand him a little better.

Pierre Salinger's involvement with Robert F. Kennedy began in 1957 when he became an investigator for the Senate Rackets Committee, for which Kennedy was chief counsel. On R.F.K.'s recommendation, Salinger was chosen to direct press operations in John F. Kennedy's campaign for the Presidency. Salinger subsequently was press secretary to both Presidents Kennedy and Johnson. In the spring of 1968, he took a leave of absence from his business interests to campaign for Robert F. Kennedy, and was with him the night of his assassination.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Judge Rejects Sirhan Biography Injunction

Sirhan B. Sirhan's petition for a preliminary injunction to prevent publication of his biography, now entitled "R.F.K. Must Die," was rejected Friday by a judge of Superior Court.

The convicted murderer of Sen. Robert F. Kennedy complained that the book will contain much confidential information which will hurt his pending appeal from the death sentence.

Judge Richard Schauer, however, pointed out in making his ruling that Sirhan has made no serious move to return funds advanced for publication rights. The funds, to date totaling $32,615, have been used mostly for expenses of his defense, lawyers said, but some has gone to his family.

Sirhan, 26, directed his suit against Robert B. Kaiser, 39, who wrote the book from material gathered while acting as defense investigator.

The imprisoned Jordanian was joined in the suit by his mother Mary and two brothers, Munir and Adel Sirhan.

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L-27 LA Times
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Sirhan in Hospital; 'Groggy, Drowsy'

SAN QUENTIN (UPI)—Sirhan B. Sirhan, assassin of Sen. Robert F. Kennedy, is in the prison hospital after being taken "groggy and drowsy" from his death row cell.

Associate Warden James Park said doctors believe Sirhan is suffering either from low blood sugar or a reaction to medication for a throat condition.

"He was noted to be a little groggy and drowsy Monday afternoon and was taken to the prison hospital, where he is now undergoing observation," Park said.

"The doctors have indicated they are exploring a couple of possibilities—that he has a low blood sugar level, or that this is a reaction to some kind of medication."

Park said Sirhan was being given "a variety of medication" for various problems, including vitamin pills and a medicine "to improve the condition of the mucus membrane in his throat."

Sirhan has been on death row since he was sentenced to death for the Kennedy slaying at Los Angeles in June, 1968.

Park said Sirhan's condition was good today and he would probably be under observation "for a day or two and then we expect him to be taken back to the condemned unit relatively soon."

Sirhan's mental and physical condition previously had improved since he called off a 14-day partial hunger strike last Dec. 10, Park said.

The security, in which Sirman was isolated from other prisoners because of fears for his life, sparked the hunger strike, which Sirhan ended after a tearful plea from his 67-year-old mother.

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A-1 Herald Examiner
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Sirhan Defense Attorney Denies Receiving Funds—Claims $10,000 Loss

Grant B. Cooper, chief defense attorney for Sirhan Bishara Sirhan who was convicted of the murder of Sen. Robert F. Kennedy, has denied he received any fees from the Sirhan family.

Sirhan, now awaiting death in San Quentin's gas chamber, has filed suit to block publication of a biography about him by Robert B. Kaiser.

The suit said Sirhan was of "unsound mind and mentally incompetent" when he signed a contract Aug. 27, 1968, authorizing Kaiser to write the book and splitting profits equally among the Sirhan family, Cooper, and defense attorney Russell E. Parsons.

Cooper said that on Aug. 27, 1968, he officially relinquished any right to receive fees in a letter to Sirhan and Kaiser, "except expenses, and all out-of-pocket expenses."

"I am personally out-of-pocket for moneys expended on Sirhan's behalf, the sum of $10,103.27," Cooper said in a statement released yesterday. "I have not received any fee and will not receive any fee for my work in that case."

A temporary restraining order has been issued prohibiting release of Kaiser's book.

Cooper and Parsons were fired by Sirhan after his conviction and sentencing. His new attorneys who filed the suit this week are Luke McKissack, George E. Shibley and Abdeen M. Jabara.

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SIRHAN FILES SUIT TO BLOCK BOOK ON LIFE AND TRIAL

Sirhan Bishara Sirhan, 25-year-old convicted assassin of Senator Robert F. Kennedy has filed suit in Superior Court to block publication of a book about the Jordanian immigrant's life and celebrated murder trial.

The suit, filed yesterday, named the assassin's brother Munir B. Sirhan, as his guardian-at-law—because Sirhan is unable to act in his own behalf.

Named defendants in the suit which asked $2 million damages, in addition to an injunction against publishing a book, were Robert B. Kaiser, Maximilian Becker, E.P. Dutton Publishing Co., and Los Angeles attorneys Grant B. Cooper and Russell E. Parsons.

Superior Court Judge Richard Schauer issued a temporary restraining order forbidding writer Kaiser, agent Beck and the publishing company from publishing a book or disclosing "adverse" information about Sirhan without the dimunitive killer's permission.

The suit, filed by Sirhan's new attorneys, Luke McKissack, George E. Shibley and Abdeen M. Jabara, claims Sirhan was of "unsound mind and mentally incompetent" when he signed a contract for exclusive collaboration with Kaiser Aug. 27, 1968.

The lawsuit also asks the court to modify an assignment of Sirhan's rights to proceeds of any publication of his story.

The assignment, according to the lawsuit, involves 66⅔ per cent of all profits from Kaiser's exploitation of the Sirhan story.

The assignment split Sirhan's share of the profits equally between his family and attorneys Cooper and Parsons.

The lawsuit claims the original assignment grants an "inequitably" large share of the proceeds to Cooper and Parsons, then Sirhan's attorneys of record.

Sirhan dismissed Cooper and Parsons after he was convicted of first-degree murder and sentenced to die in the gas chamber.

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Specter of Dallas Haunted LAPD in Sirhan Case

BY ROBERT KIRSCH

• At 45 minutes past midnight, June 5, 1963, in the Rampart Division of the Los Angeles Police Department, Sgt. William C. Jordan sat facing a slight, dark-haired young man who had just been brought into the station as the suspect in the shooting of Sen. Robert F. Kennedy.

The news of the tragic event was already being broadcast to the world. Stunned and disbelieving, men and women heard that life was ebbing away in the young man whose brother, the President of the United States, had been slain a few years before by an assassination. In a moment of electoral triumph, Robert Kennedy was struck down, the man who, after hearing of the assassination of Dr. Martin Luther King, had quoted Aeschylus: "In our sleep, pain which cannot forget falls drop by drop upon our heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Uppermost in Sgt. Jordan's mind "was the determination to see to it that the 1963 Dallas record, compounded by *local ineptitude and shameful* bungling, would not be replayed in Los Angeles in 1968. The specter of Jack Ruby, even more ominous than the *memory of Lee Harvey Oswald*, haunted the Rampart police station this sultry summer night."

The entire Los Angeles Police Department shared that belief—and a sense that history would judge their efforts to deal with the investigation fairly, efficiently and justly. In SPECIAL UNIT SENATOR: The Investigation of the Assassination of Sen. Robert F. Kennedy (Random House: $6.95), Robert A. Houghton, chief of detectives, LAPD, with the assistance of Theodore Taylor, has written a taut and complete account of the "longest, largest and most expensive criminal investigation ever undertaken by the . . . department, possibly the most extensive investigation ever conducted by any local law enforcement agency."

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The memory of Dallas and its aftermath clearly conditioned that investigation, which Houghton called at the time of the organization of the special unit, a "supreme test of our judicial processes." That effort produced a 10-volume investigation summary, represented nearly 5,000 separate interviews and interrogations, more than 50,000 pages of documentation and material evidence, 1,700 photographs, 190 reels of tape and 20 reels of 16 mm. film.

From the adrenal moments of that night in the Ambassador, to the conviction of Sirhan Bishara Sirhan for the crime, several score of men in the LAPD worked patiently, tirelessly on the case. Other law enforcement agencies cooperated. The purpose was not solely to build the prosecution case against Sirhan, but to determine (and here the memories of Dallas and its aftermath were crucial) whether Sirhan was part of a conspiracy.

To Capt. Hugh Brown, commander of the Homicide Division who was assigned to head the task force, Houghton made it clear that if there were in fact, a "great conspiracy" that linked the murder of Robert Kennedy to that of John Kennedy and Dr. Martin Luther King Jr., "it had better be unveiled before another national leader fell victim," and that it was "imperative that we track every lead, every suspicion of possible complicity or conspiracy, no matter how tenuous or hollow it might sound."

He told Brown emphatically that he wanted "this investigation to stand up to whatever scrutiny, as much fine-comb study as it's going to get."

Houghton was expressing what other officers knew and turned out to be the toughest part of the SUS investigation. Lt. Charles Hughes, head of Rampart Detectives, who had initial charge of the case, had briefed Houghton, called back from a Yosemite vacation: "I don't expect we'll have much trouble proving who did the killing—it's finding out why he shot the senator and whether there was more than one man responsible."

There was no deficiency of leads suggesting conspiracy, from the report of the girl in the polka dot dress who was supposed to have run from the scene shouting "We killed him," to the rumor that an announcement of the senator's death was heard on the radio a month before it happened, every sort of wild report came pouring in, from freelance writers and seers, far right wingers and citizens who had claimed to overhear the "plotters" in conversation.

Each one of these was investigated and re-investigated, patiently and tediously, by the members of the unit. Stories were checked by lie detector tests and identification procedures. At the scene of the crime were several thousand people; a time and movement pattern had to be established. Sirhan's background had to be carefully checked. And the entire investigation had to be conducted scrupulously within the requirements of new decisions on search and seizure and the interrogation of suspects. No evidence of a conspiracy stood the test of the investigation.

Yet, this book is not simply an account of a celebrated case. From it emerges a sense of the magnitude and depth of problems encountered in police work. It is true that SUS pioneered many techniques in this case and a police manual based on these lessons is in preparation.

Nor is it an effort at vindicating the LAPD's handling of the case. If this book is written with professional pride, it is also written with a measure of self-criticism. Each of the supervising officers of SUS wrote a critique of the entire investigation. All recognized that much of the painstaking labor of SUS could have been saved had the framework of a special unit been in existence to be activated immediately.

Such experts as SUS's Lt. Manuel Pena, author of a text on criminal investigation, a teacher of police science at Cal State L.A., and Lt. Roy Keene, made some telling points about the need to separate witnesses, to interview them before newsmen (many

of the false leads came from people who had unconsciously embellished their stories through repetition for reporters and then stuck to them because of embarrassment at contradicting themselves; others alleged they had seen things which they later admitted they only heard), the failure to rope off the pantry area (some kitchen employes were mopping up bloodstains before lab experts could examine them), inadequate witness identification.

Houghton agrees with these criticisms but concludes that considering the circumstances, "the department responded well in those first hectic, confusing hours."

Without employing Dragnet style, Houghton and Taylor make the officers and witnesses come alive, re-create the setting and the mood of emotion and grief. Most impressive is the human component. The common stereotypes so popular now are demolished here. The investigators display qualities of concern, curiosity, sympathy, pride and realism.

When Houghton asked one officer about Mayor Sam Yorty's public statement that Sirhan had Communist connections, the man replies:

"I was at Rampart when the mayor and Commissioner McGaughey came in. I talked to them for a few minutes and then got busy on something else. Next thing I know, Yorty and the commissioner were reading Sirhan's notebook. Hell, I'm not going to tell the mayor of this city and a police commissioner what to do. Besides, one is an attorney, and the other an ex-FBI man. They know the rules of evidence as well as I do."

What is certain is that the SUS makes it clear that there was no shred of evidence suggesting a conspiracy.

The account stands as a model of its kind, honest, evocative and compelling.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

PRISON MAY EASE SIRHAN RESTRICTIONS

SAN QUENTIN (UPI)—San Quentin prison officials may ease the heavy security precautions around condemned assassin Sirhan B. Sirhan, allowing him closer contact with other men on death row.

Associate Warden James O. Park said Wednesday, "We will be reviewing his situation early in February."

The 25-year-old condemned slayer of Sen. Robert F. Kennedy went on a hunger strike last November in protest against the tight security which prevents his association with other prisoners.

Sirhan was especially annoyed by the 15-foot "no man's land" created by a double steel grating which separates him from others on death row.

He ended the hunger strike Dec. 11, but said he might fast to death unless concessions were made within a month. Park said Sirhan was told the conditions are being reviewed and apparently decided not to make any protests until after the review.

No date has been set for the execution of Sirhan, who has been at San Quentin since last May. Prison authorities put him under the extreme security precautions because they said his life was threatened by other condemned men.

(Indicate page, name of newspaper, city and state.)

A-7 Herald Examiner
Los Angeles, Calif.

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JAN 23 1970
FBI — LOS ANGELES

FD-350 (Rev. 7-18-63)

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Prosecutor in Sirhan Trial Named Judge

SACRAMENTO (UPI) —The deputy district attorney who prosecuted Sirhan Sirhan for the murder of Sen. Robert F. Kennedy has been appointed by Gov. Reagan as a Los Angeles County Superior Court judge.

David N. Fitts, 47, head deputy of the Santa Monica branch of the county district attorney's office, succeeds Judge Emmett E. Doherty, who retired. The post pays $31,816 a year.

Fitts, a Republican, is a native of Los Angeles who received his law degree from Stanford University.

The governor also appointed Francis J. Garvey, Covina attorney; Vernon G. Foster, Los Angeles attorney and lecturer at the USC law school, and Municipal Judge Thomas C. Murphy of Los Angeles to the Los Angeles Superior Court bench.

Murphy is a Democrat and the others are Republicans.

They replaced Judges Mark Brandler, Aubrey Irwin and Mervyn Aggeler, who retired from the posts.

Reagan also announced the appointment of Joseph W. Chandler, a Los Angeles County deputy district attorney, to fill a newly created judgeship on the Santa Monica Municipal Court.

Chandler, a Republican, will receive an annual salary of $29,270.

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(Indicate page, name of newspaper, city and state.)

II-5 Los Angeles Times
Los Angeles, Calif.

Date: 12/4/69
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DEC 4 1969
FBI—LOS ANGELES

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FD-350 (Rev. 7-18-63)

(Mount Clipping in Space Below)

Sirhan Tells Mother Fast Is Over—for 30 Days

SAN QUENTIN, Calif. (UPI) —Sirhan B. Sirhan, condemned slayer of Sen. Robert F. Kennedy, promised his mother in a tearful reunion Wednesday to end his hunger strike at San Quentin prison.

Sirhan, who has not taken solid food for 13 days, said he would resume his fast in 30 days and might take his own life if officials do not relax the isolation of his imprisonment.

The assassin's 67-year-old mother, Mary Sirhan, broke down in tears while telling newsmen about the short visit with her son.

"He's only bones and skin," she said. "He's so pale. If he doesn't eat, I will fast with him."

Luke McKissack, the family attorney, who accompanied Mrs. Sirhan and another son, Munir, on the visit, told of the suicide threat.

"He said he will start eating breakfast tomorrow, and will eat for 30 days," said McKissack. But unless his conditions are relaxed, "he would rather die in his own fashion rather than have the state take his life."

The attorney said Sirhan "has developed the feeling that he is not a human being at all" because he is so isolated. He is not permitted to come within 15 feet of other prisoners on the row and can only talk to them by shouting over a 15-foot no-man's land and two steel fences.

San Quentin officials have kept Sirhan at a distance from any other prisoners because they fear his life might be in danger.

(Indicate page, name of newspaper, city and state.)

A-15 Herald Examiner
Los Angeles, Calif.

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DEC 12 1969
FBI — LOS ANGELES

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—UPI Telephoto

SIRHANS' MOTHER VISITS PRISON

End hunger strike, says mother and brother Munir

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

BAR MARY JO AUTOPSY

Court Backs Parents in Kennedy Case

Way Clear For Start Of Inquest

News

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
Los Angeles, Calif.

Date: 12/10/69
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DEC 11 1969
FBI — LOS ANGELES

WILKES-BARRE, Pa. (AP) — A judge refused today to order an exhumation and autopsy on the body of Mary Jo Kopechne, the 28-year-old secretary who died last summer in Sen. Edward M. Kennedy's automobile.

Judge Bernard C. Brominski of Common Pleas Court said testimony at a hearing on the petition by a Massachusetts prosecutor supported the original finding—death by drowning.

The decision clears the way for a Massachusetts court to hold a secret inquest into the accident. Kennedy's car pitched off a bridge and into a tidal pond at Chappaquiddick Island off the Massachusetts coast in the middle of the night on July 18.

The ruling was a victory for Mary Jo's parents, Mr. and Mrs. Joseph A. Kopechne of Berkeley Heights, N.J. They opposed an autopsy on grounds it would be "grossly offensive and prejudicial to their wishes."

"This means that I'll come up here very often to see my daughter," Mrs. Kopechne told a news conference at the courthouse. "I couldn't have gone up to that cemetery again if I knew the grave had been disturbed."

Miss Kopechne is buried in nearby Larksville, near where she was born in this northeastern Pennsylvania coal region.

The father said he was happy with the ruling and the scheduled inquest did not disturb him.

"We are waiting patiently for the inquest to be held," he said.

In Washington, Kennedy said he was grateful for the decision because "I realize how much it meant to the Kopechne family; it increases their peace of mind, and I'm grateful for that."

"Now," Kennedy said, "it's my hope that the authorities in Massachusetts will move forward so the entire matter can be concluded as soon as possible."

Kennedy, who has been in frequent touch with the family since the accident, telephoned the parents this morning to ex-

press his pleasure at Brominski's decision.

Dist. Atty. Edmund Dinis of New Bedford, Mass., sought the autopsy for the inquest. Dinis said in advance he would not appeal any ruling by Brominski.

Brominski said the facts presented at the hearing were "insufficient to support a finding of the cause of death" other than drowning.

He said any conflict in Kennedy's versions of what happened or failure to report the accident for nearly 10 hours "does not suggest a cause of death other than drowning."

Brominski said he took into consideration the parents' objections.

"While their disapproval is not an absolute bar to an exhumation and autopsy," Brominski said, "in view of the facts presented to this court their objections are well taken."

The judge also said that the presence of blood in Miss Kopechne's nose and mouth and on her clothing, as brought out by Dinis at the hearing Oct. 20-21, did not provide sufficient doubt to warrant exhumation.

In New Bedford, Dinis had no immediate comment on the judge's ruling.

And in Edgartown, Mass., District Court Judge James A. Boyle before whom the inquest is to be held, was unavailable for comment. His clerk said Boyle might not have anything to say for some time. Boyle had declined to set a date for the inquest until after Brominski had ruled on the autopsy.

—UPI Telephoto

JUDGE BROMINSKI

MARY JO KOPECHNE

JOSEPH KOPECHNE PLANTS A KISS ON WIFE'S CHEEK AFTER JU

Relieved parents held news conference after learning that permission for autops

MARY JO KOPECHNE

Retirement At 60 Bill To Nixon

WASHINGTON (UPI) — T Senate voted Tuesday [illegible] people retire at age [illegible] w two-thirds of the Social Secur benefits they would get if th worked until they were 65. I it left it up to the President decide when to put provision into effect.

The United Mine Work sought the change for benefit of the union's memb who felt that working in mines was too demanding men over 60. It could affect million workers and cost Social Security trust fund million a year at first.

With at least eight ame ments to go and Sen. Jacob Javits, R-N.Y., threatening filibuster on one, Senate De cratic Leader Mike Mansf dropped his usual calm snapped sharply at his leagues.

"On the basis of the prog we have not been making. would suggest the Senate prepared to stay here thro

FD-350 (Rev. 7-16-63)

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Sirhan Still Refusing to Eat, San Quentin Says

SAN QUENTIN (UPI)—Condemned assassin Sirhan Sirhan spurned breakfast again today on the 12th day of his liquids-only hunger strike against security arrangements on San Quentin's death row.

"There's no change at this point," reported Associate Warden James Park. "He didn't eat last night, and he didn't eat breakfast this morning."

Sirhan, convicted killer of Sen. Robert F. Kennedy, went on a coffee and cocoa diet Nov. 28 to protest the security measures which keep him isolated from other inmates on death row.

Park said a prison doctor each day routinely examines Sirhan and other inmates sentenced to the gas chamber. He said the prisoner still weighs 105 pounds—his weight when he entered the prison in May.

"He is a very light eater normally," Park said. "He only eats one meal a day and very sparingly of that. He will start eating eventually or we will force food into him. But that's a long way off."

Sirhan is unhappy over wire mesh screens in the cellblock which isolate him from other inmates awaiting execution. He has offered to sign a waiver releasing the prison from any responsibility if anything happened to him.

Sirhan began rejecting solid food after writing Warden Louis Nelson a note reading: "Hitler had more mercy than you do. I'm going on a hunger strike to protest this Nazi concentration camp-like treatment of yours."

(Indicate page, name of newspaper, city and state.)

A-18 Herald Examiner
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FBI — LOS ANGELES

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Sirhan on Hunger Strike at Quentin

SAN QUENTIN, Calif. (UPI) —Condemned assassin Sirhan B. Sirhan is on a liquid diet hunger strike protesting stringent security arrangements on San Quentin's Death Row.

Sirhan, convicted killer of Sen. Robert F. Kennedy stopped eating Nov. 28, the prison disclosed Monday.

"I'm going on a hunger strike to protest this Nazi concentration-camp-like treatment of yours," Sirhan said in a note to Warden Louis Nelson. "Hitler had more mercy than you do."

The note, which opened with an obscenity, was written by the 25-year-old Jordanian immigrant after Nelson refused to make requested changes in the tight security conditions around Sirhan's isolated cell.

Associate Warden James Park said Sirhan had been complaining for some time about mesh screens which block the corridor near his dark concrete and steel cell.

Sirhan also demanded the right to exercise with other Death Row inmates and reduction of the intensity of a light in front of his cell. Park said a shade was rigged for the light, but the other demands were rejected.

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
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DEC 9 1969
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FD-350 (Rev. 7-16-63)

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Sirhan Ends First 6 Months in Jail

SAN QUENTIN (UPI)—Sirhan B. Sirhan completed his first six months of lonely isolation on San Quentin prison's death row Sunday, awaiting appeals on his conviction for the assassination of Sen. Robert F. Kennedy.

"He is very quiet," said Associate Warden James Park. "His routine doesn't change. Lots of reading, very little TV."

The 25-year-old Jordanian immigrant is isolated in Cell 83, a stark concrete and steel enclosure on the prison's sixth floor. The cells on either side are empty and two mesh steel screens create a no-man's land 15 feet away in the cellblock corridor.

A different guard brings Sirhan his two meals each day and sometimes pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other inmates. Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

He leaves the secluded area only for medical appointments and to meet visitors. His mother, brothers and attorneys have averaged about one visit a month since Sirhan arrived at San Quentin on May 23.

When he leaves, other inmates are ordered to clear a 30-foot path for Sirhan and his two guards. Officials fear other prisoners might try to attack the slayer of Kennedy.

"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said. Sirhan's attorneys are not expected to file their first appeal until March.

Park said Sirhan's reading is heavy on subjects like theosophy, psychology and mysticism, although he also gets Playboy magarine in the mail.

"He remains interested in the Middle East situation, reading English-language pro-Arab journals," Park said. The associate warden said Sirhan also listens to Arabic music on a phonograph given him by his family.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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FBI — LOS ANGELES

FD-350 (Rev. 7-18-63)

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SIRHAN BEGINS 7TH MONTH ON DEATH ROW

SAN QUENTIN (UPI) —Sirhan B. Sirhan completed his first six months of lonely isolation on San Quentin Prison's death row Sunday, awaiting appeals on his conviction for the assassination of Sen. Robert F. Kennedy.

"He is very quiet," said Associate Warden James Park. "His routine doesn't change. Lots of reading, very little TV."

The 25-year-old Jordanian immigrant is isolated in Cell 33, a stark concrete and steel enclosure on the prison's sixth floor. The cells on either side are empty and two mesh steel screens create a no-man's land 15 feet away in the cellblock corridor.

A different guard brings Sirhan his two meals each day and sometime pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other immates.

Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

He leaves the secluded area only for medical appointments and to meet visitors. His mother, brothers and attorneys have averaged about one visit a month since Sirhan arrived at San Quentin on May 23.

When he leaves, other inmates are ordered to clear a 30-foot path for Sirhan and his two guards. Officials fear other prisoners might try to attack the slayer of Kennedy.

"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said.

(Indicate page, name of newspaper, city and state.)

II-5 Los Angeles Times
Los Angeles, Calif.

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NOV 25 1969
FBI — LOS ANGELES

FD-350 (Rev. 7-10-63)

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Sirhan's Mother Talks to Thant Aide on Mideast Peace

Exclusive to The Times from a Staff Writer

NEW YORK—The mother of the assassin of Sen. Robert F. Kennedy attained a partial victory Monday in her effort to appear before the United Nations on behalf of peace in the Middle East.

Mrs. Mary Sirhan did not get her wish to speak to the General Assembly, but was given a 15-minute interview with Undersecretary for General Assembly Affairs Constantin A. Stavropoulous.

Both Mrs. Sirhan and U.N. officials were reported satisfied with the compromise.

The diminutive, Jerusalem-born mother of Sirhan Bishara Sirhan told newsmen in Pasadena last Wednesday that she and her son, Munir, 21, were departing that afternoon by car for New York.

She admitted she had had no previous contact with U.N. officials, but expressed confidence that she would get to set forth her views. She said she would deliver it from the front steps, if necessary.

Telephone Thant's Office

The Sirhans arrived in New York early Monday and telephoned the office of Secretary-General U Thant. Unaware of her intentions—or her whereabouts at the time of the call—Thant's aides told her to call back at 3 p.m. to speak to Stavropoulous.

Instead, she simply appeared at his office at the appointed hour.

Munir told The Times that his mother and Stavropoulous discussed the tension in the Middle East, the plight of homeless Palestinian refugees, and her conviction that the Mideast's troubles were responsible for her son's assassination of Kennedy.

Stavropoulous later assigned plain-clothes security guards to escort Mrs. Sirhan and her son on a private tour of the U.N. building. At 4 p.m., ringed by about 30 security guards, Mrs. Sirhan held a brief news conference for some 40 newsmen, criticizing Zionism.

Munir told The Times that his mother was "very satisfied" with the reception she received, although she would have preferred to fulfill her original aim.

He said they planned to leave New York immediately on the return trip to their home in Pasadena.

(Indicate page, name of newspaper, city and state.)

I-3 LA Times
Los Angeles, Calif.

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FBI — LOS ANGELES

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Mrs. Sirhan Hopes to Talk at U.N. 'in Search for Peace'

BY DAVE SMITH
Times Staff Writer

The mother of the assassin of Sen. Robert F. Kennedy said Wednesday she is going to New York to try to talk to the United Nations "in search for peace."

"I will take only a few minutes," she promised.

In New York, however, a U.N. spokesman said that under the rules of the world organization "no individual can address the General Assembly."

Mrs. Mary Sirhan, in a front porch news conference at her modest white frame house in Pasadena, admitted:

—She has not been in contact with U.N. officials.

—She has nowhere to stay in New York and knows no one.

—Her attorneys are opposed to the trip and have told her she is too weak to make the trip.

—Her son, Sirhan Bishara Sirhan, now in San Quentin's Death Row, does not yet know of her plan.

—And she is not quite sure what she wants to talk about when she gets there.

But, she said, "sometimes we simple people . . . They might hear our cry to them."

Mrs. Sirhan, 57, said she planned to leave immediately after the Wednesday morning news conference with her son, Munir, 21, doing the driving. She said a woman friend — "And she is Jewish, too!" — would go with them. The Sirhans did not name the woman.

Mrs. Sirhan, wearing her light blue, polka-dotted traveling dress, greeted reporters with a broad smile and handshake, then led them into her tiny, spotless living room for coffee and baklava she made herself.

(Indicate page, name of newspaper, city and state.)

L.A. Los Angeles Times
Los Angeles, Calif.

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1 OCT 9 1969
FBI — LOS ANGELES

She said that visits to her imprisoned son have made her determined to try to speak at the United Nations for the last six months. "I can't sleep. I can't eat. I can't rest," she said, adding that she believed her plea, if she may be heard, might in some way help her son.

She said she would immediately send a telegram U.N. Secretary-General U Thant "to tell him I'm on my way."

The telegram, read by Munir, said: "I wish to talk before the General Assembly next week in search for peace in the Middle East. I will take only a few minutes. If all goes well with the automobile, I will be in New York Monday, Oct. 13. I will phone you then. Thank you very much."

Mrs. Sirhan said she is "not accusing anyone" because of her son's fate. "I know America is full of justice," she said, but she said her plan might influence America to be more merciful.

Asked what she would do if she cannot speak, Mrs. Sirhan said, "I would even stand outside the door and say what I think, what is in my heart."

Mrs. Sirhan said she has had financial hard times in the six months since Sirhan was convicted.

But she said she has rejected several large offers from magazines—one of $15,000 and another of $22,000—for stories about her family.

"I cannot take money for this thing," she said. "I don't sell my son. I don't accept any money for innocent blood."

She said one son, Adel, 30, is working somewhere in the state of Washington and sends money when he can.

Munir, 21, has been unable to find work since the highly publicized trial—he has badly impaired eyesight—and she has not felt emotionally able to return to her old job at a church nursery school, she said. "When you care for children, you must be able to concentrate on them," she said.

Mrs. Sirhan said she had no qualms about the trip. "God will be with us," she said. "God is every place."

Mrs. Mary Sirhan
Times photo

FD-350 (Rev. 7-18-63)

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Sirhan Mother Plans United Nations Plea

Mrs. Mary Sirhan, mother of Sen. Robert F. Kennedy's assassin, Sirhan Bishara Sirhan, is en route to New York City today, intent on pleading the cause of both her son and the Arabs of Palestine before the United Nations.

However, a U.N. spokesman in New York said yesterday that no message had been received from Mrs. Sirhan and "no individual can address the General Assembly" under its rules of procedure.

The 57-year-old Arab immigrant woman left her Pasadena home yesterday after an emotional news conference at which she announced she had asked Secretary General U Thant for 15 minutes to speak before the UN's General Assembly. She said she had no indication whether the international body would agree to hear her plea.

Mrs. Sirhan, her son Munir, 22, and a family friend whose identity was not disclosed are traveling to New York in a rented car.

She said yesterday she had telegraphed Thant saying she expected to arrive at the UN Monday.

If she is not admitted to a General Assembly session, she said, she will attempt to speak from the steps of United Nations headquarters.

Mrs. Sirhan said she had conceived of the trip months ago, and had finally decided to make it after a recent visit to her son on San Quentin's death row.

She described Sirhan, now waiting out an appeal on his death sentence, as acting like a "rat in a trap."

The grey-haired diminutive Arab woman said she would appeal to the UN for her son, for all others awaiting the death sentence in California, for world peace and the cause of the Palestinian Arabs.

(Indicate page, name of newspaper, city and state.)

A-2 Herald Examiner
Los Angeles, Calif.

Date: 10/9/69
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OCT 10 1969
FBI — LOS ANGELES

WIll PLEAD ASSASSIN SON'S CASE
Mrs. Sirhan and son Munir before leaving for New York City

FD-350 (Rev. 7-16-63)

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Sirhan Case Shows Error in Swallowing Psychiatry Whole

BY MARTIN L. GROSS

The spectacle earlier this year of opposing psychiatrists debating the mental condition of assassin Sirhan Sirhan provided disquieting thoughts for a nation which has given extensive "police powers" over to the psychiatric profession under our archaic laws of forced commitment for the mentally ill.

Estimates place the mental institution population at a half million, 90% of whom have been incarcerated against their will. Widespread involuntary commitment began at a time in our history when "insanity" still conjured up images of hostile, dangerous souls. Today, with psychiatric pharmacology reducing violent behavior and with better understanding of patient needs, several European nations reserve the "police power" against the mentally ill only for special occasions, permitting the great majority to enter and leave hospitals at will.

In America, for all the platitudinous comments about mental illness being "like any other sickness," it is still treated much like a crime, generally with the patient's incarceration and removal of his civil rights upon court commitment after certification by psychiatrists. This loss of rights includes voting, signing of contracts, driving a car, spending one's own money and other activities taken for granted in a civilized community.

★ ★

Shouldn't society be protected against possible harm from the mentally ill? Dr. Thomas Szasz, professor of psychiatry at the State University of New York, and outspoken defender of patients' rights, points out that such harm is generally not a threat, and that patients are deprived of liberty for the convenience of the community.

"Commitment shields the non-hospitalized members of society from having to accommodate the annoying or idiosyncratic demands of persons who have not violated any criminal statutes," he writes in the current University Review.

This prominent and controversial psychiatrist also challenges the accuracy of the medical-semantic term "mental illness," for which he has been under heavy attack by his colleagues. But on the question of depriving a patient of liberty in order to treat him (or her), Dr. Szasz has presented potent charges and cogent unanswered questions.

Patients with cancer and heart disease may be dying, but they are not legally forced to take treatment. Why are supposed victims of mental illness required to undergo therapy against their will even if they are judged as not harmful to others?

Dr. Szasz brings to mind the Sirhan psychiatric fiasco with another forthright charge. "Probably the most dangerous effect of involuntary psychiatric interventions in a mass society comes from the trend to accept the testimony of psychiatric 'experts' as 'scientific' and therefore 'true,'" he says. "Thus one man's opinion of another receives much more weight than it should."

Despite continual disagreement by psychiatrists in individual sanity cases, the psychiatric profession's faith in its own expertise is not shaken. This was illustrated by a representative of the American Psychiatric Assn. testifying before a House hearing on the "Constitutional Rights of the Mentally Ill." The psychiatrist intelligently criticized removal of mentally ill civil rights and the discouragement of voluntary treatment, but presumptuously asked that involuntary commitment be made even easier.

(Indicate page, name of newspaper, city and state.)

G-7 Los Angeles Times
Los Angeles, Calif.

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He suggested that the patient need not be "notified" of the court action against him, and be committed simply by "an application to the hospital by a close relative or a friend, and certification by two qualified psychiatrists that they have examined the subject and found him to be mentally ill."

In the name of healing, psychiatry is seeking even greater police power. Dr. Szasz believes that most commitments stem from family desire to eliminate one bothersome member, a trend that would be encouraged by easier psychiatric commitment. The danger to the patient is not unreal. A former governor of Ohio has stated that half the committed patients over 65 in the state's mental institutions were later found not to be mentally ill.

What about the patient who may be dangerous to himself, if not to others? Dr. Szasz has expressed the opinion that potentially suicidal patients should not be restrained indefinitely just because they might kill themselves, inferring that mental hospitals can never be free medical environments if that fear paralyzes their operation.

★

His recommendations? The end of involuntary commitment for the non-criminal mentally ill. All the quasi-criminal trappings of mental hospitalization — commitment, locked doors, fingerprinting, loss of civil rights—should be abolished. Most patients, he is convinced, would voluntarily seek help if the penal atmosphere of the system were eliminated. Mental illness, he adds, should not be used as an excusing condition in criminal trials.

Dr. Szasz's arguments are charged with emotional and intellectual fervor. Undoubtedly some homicidal-prone mental patients need to be restrained, but the cogency of many of Dr. Szasz's arguments cannot be denied.

FD-350 (Rev. 7-10-63)

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Sirhan Trial Judge Retires From Bench

BY RON EINSTOSS

Times Staff Writer

The judge who presided over one of the most significant trials in the nation's history officially retired over the weekend from the Superior Court bench.

Herbert V. Walker, who [illegible] returned to his Glendale home convalescing from a heart attack suffered July 3, [illegible] formally sentenced Sirhan B. Sirhan to death for the assassination of Sen. Robert F. Kennedy.

Although he has long in his retirement, Judge Walker will not delete what was the most controversial decision of his lengthy and distinguished career, which included nearly 10 years on the bench.

Early in the Sirhan trial, he vetoed an agreement which would have permitted Sirhan to plead guilty to first degree murder in return for life imprisonment.

The strategy, which irked hard-boiled jurists, maintains that he was correct in ruling that the public was entitled to hear from the witness stand at the first in the history [illegible]

Wanted Jury Decision

"I didn't want the decision on his guilt or innocence or his penalty determined by a bench of psychiatrists, but by a jury," he said he [illegible] in his sycamore tree-covered patio.

He was referring, he said, to the fact that Dist. Atty. Evelle J. Younger agreed to accept a defense offer to plead guilty in exchange for a life prison term because psychiatrists who examined Sirhan said he might not have fully understood the nature and consequence of his actions at the time of the shooting 11 months ago.

Walker's entire career as a public servant, which began in 1935 when he became a deputy conservation commissioner of corporations for the state, has been marked by one trait — stubbornness.

In 1948, when Walker was appointed chief deputy district attorney (succeeding, coincidentally, Sirhan's chief counsel, Grant B. Cooper), Gordon Ray Ayr, Dist. Atty. Thomas C. Lynch described it in another way:

"No one is going to push Walker around."

And no one, Walker says proudly, ever has.

Once known as a tough judge — perhaps because he has sentenced 20 men to die—Walker mellowed in recent years as he seemed to enjoy his status as the dean of the criminal court bench in Los Angeles County.

The firmness that led countless attorneys to challenge him for prejudice—indirectly concluding they did not have a very good case—appeared to begin softening five years ago, just about the time the Criminal Courts Bar Assn. (composed of the [illegible] attorneys) paid special tribute to him at its annual dinner.

"His standards of fairness and justice have been in the highest tradition of judicial responsibility," was the inscription on the plaque presented to him.

Explained Walker last week:

Some Opposition

"No one ever accused me of being easy, but yes, I suppose you can say I mellowed as I gained experience and began tempering my judgment with mercy.

"But it didn't bother me when they said I was a tough judge because I always felt I was right.

"I could always sit alone with myself in peace."

There were some judges here who opposed Walker's selection to try the important Sirhan case.

A younger man was needed, they thought, noting that the trial would be a demanding and lengthy one.

But last Sept. 10, after he returned from a trip to Europe with his wife, Alice, Walker got the assignment that was to be

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the capstone of his career.

No one, his backers said, better filled one of the main criteria established by then-Presiding Judge Donald R. Wright and Judge Richard Schauer, who headed the criminal departments of Superior Court: The judge picked to try Sirhan would have to have wide criminal court experience.

Because Sirhan's conviction is being appealed, Walker discusses it cautiously, repeating what he said when the jury reached its verdict:

"I thought then, and I've heard nothing since to change my mind, that the jury's decision was a correct one."

He also says all the facts were brought out during the trial and that all the "pertinent" questions were answered.

"I am convinced—and there is absolutely no credible evidence to the contrary—that there was no conspiracy to kill Sen. Kennedy," he declared.

In rejecting the offered plea agreement, he said he never considered the fact that such an arrangement would save the court's time and the taxpayers' money.

"Justice is not measured by either time or money and I've never let those factors—in any case—determine my decision," he said.

Law, Not Emotions

His philosophy on the bench these many years, he said, has always been to follow the law.

Even now he won't say whether he personally favors capital punishment, noting that the only thing important to him is that it is the law in California.

A lay leader in the Episcopal Church, which opposes the death penalty as a matter of principle, Walker does, however, maintain that capital punishment is not cruel and unusual or barbaric.

And he believes it serves as a deterrent, even though he presided over a precedent-setting hearing that may lead to its abolition.

In November, 1967, he rejected an ACLU contention that the death penalty is unconstitutional in the case of Robert E. Thornton, a convicted kidnaper, robber and sex pervert.

Could Be Decisive

That case now is on appeal and theoretically could be the one that sounds the death knell for capital punishment.

At the conclusion of the 12-day hearing, Gerald Gottlieb, one of the ACLU lawyers, said of Walker, despite his adverse ruling:

"His labors will constitute a lasting contribution to American law."

Walker agrees with critics that the most neglected part of criminal law is too little emphasis on rehabilitation of convicted felons.

The problem of rehabilitating the criminal who has been in jail for so long he becomes institutionalized also must be solved, according to Walker.

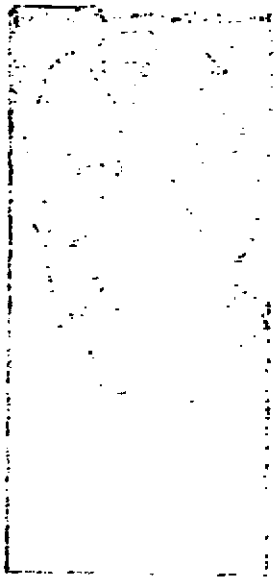
He thinks California is the most advanced of all states in this respect with its presentencing reports, diagnostic examinations and indeterminate sentencing.

The parole system, he said, is a good one, although errors are made "because it is operated by men who are subject to making mistakes."

The Walkers have three children, one of whom, Herbert W. Walker, practices law in Santa Ana.

It will be about three months before Judge Walker will be able to resume a normal life.

"Right now I'm in the dumps because I feel so helpless," he said.



Judge Herbert V. Walker

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Ruling Slated This Week in Kennedy Case

WILKES-BARRE, Pa. (UPI) — Presiding Judge Bernard C. Brominski of Luzerne County Court will hand down a ruling this week on a Massachusetts request for an autopsy on the body of Mary Jo Kopechne, killed in Sen. Edward M. Kennedy's car.

"I'm working on it right now and I'll work through the Labor Day weekend," the judge said Saturday. "I expect I will announce my decision next Tuesday or Wednesday."

Judge Brominski said his decision would be on whether he has the authority or jurisdiction to order exhumation and autopsy of the girl's body, as requested by Dist. Atty. Edmund Dinis of New Bedford, Mass.

Asked to which court Dinis might appeal if Brominski held that he lacked jurisdiction, he replied:

"That's Mr. Dinis' problem. I'm not being facetious when I say I don't know. My problem is a ruling on the motion."

Dinis was preparing for the start of an inquiest Wednesday at Edgartown, Mass., into Miss Kopechne's death.

Brominski's ruling will come on a motion filed on behalf of the girl's parents, Mr. and Mrs. Joseph Kopechne, of Berkeley Heights, N.J., who asked the court to reject the Dinis request, charging it failed to set forth sufficient facts to warrant autopsy.

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Sirhan Choice: Death Instead of Insanity?

WASHINGTON (UPI) — A psychiatrist said Sunday that Sirhan B. Sirhan let himself be found guilty of first degree murder in the assassination of Sen. Robert F. Kennedy and be sentenced to death rather than admit he is a schizophrenic.

"Sirhan wants everybody to consider him a cool and rational assassin," said Dr. Bernard L. Diamond, a psychiatric witness in the trial. "He believes himself to be a fantastic martyr who by his noble act of self-sacrifice has served his people, the Arabs and become a great hero."

In an interview printed in Psychology Today, Diamond said that "Sirhan is ready to die in the gas chamber to protect this heroic fantasy."

Diamond, 58, professor of law and psychiatry at the University of California and acting dean of Berkeley University's School of Criminology, said persons accused of serious crimes frequently conceal mental illness even though it would constitute an adequate defense at their trial.

Diamond, who put Sirhan under hypnosis during his pretrial examinations, said the defendant as an Arab child in the first Israeli war underwent bombing and shelling and that his condition deteriorated after he came to the United States.

". . . he became preoccupied with revolution, violence, dreams of glory, power and becoming the savior of his people," the psychiatrist said.

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